

Closed Caption Log, Council Meeting, 09/23/10

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at 974-2210.

Mayor Leffingwell: Good morning, everyone, I'm austin mayor lee leffingwell, and we'll begin today with the invocation by reverend mary vano, associate recter at st. David's episcopal church. Please rise.

Let us pray. Oh mighty god, our heavenly father, bless the people and leaders of the city of austin. Send down upon those who hold office the spirit of wisdom, charity and justice. With the steadfast purpose they may faithfully serve in their offices to promote the well-being of all people. In your holy name we pray, amen.

Mayor Leffingwell: Amen. Please be seated. Thank you, pastor. A quorum is present, so I'll call this meeting of the austin city council to order ON SEPTEMBER 23rd, 2010 AT 10:05 A.m. We're meeting in the council chambers at austin city hall, 301 west second street, austin, texas. And we'll start with the changes and corrections to today's agenda. The first is on item number 2, insert the phrase "related to item number 3". On item number 3, insert the phrase "related to item number 2". On item number 4, insert the phrase "related to item number 5". And on number 5, insert the phrase "related to item number 4". On items 30 and 32, insert at the end "recommended by the public health and human services committee". On items 41 through 49, all inclusive, insert the words recommended by the electric utility commission. On item number 112, insert the words "c-14-20100097-11777 jollyville road rezone" should read "zoning and platting commission recommendation postponed indefinitely". I believe that is a misprint. On my sheet here the correction should be zoning and platting commission recommendation postponed indefinitely. And I believe the same thing applies to number 113 on your briefing sheet. It should read zoning and platting commission recommendation to grant community commercial conditional overlay gr-co combining district zoning. Just a cleanup item, on item number 2, on the original sheet it shows related to item 3, 4 and 5, we're deleting 4 and 5. On item number 3 we're deleting 4 and 5. On item number 4, we're deleting 2, and 3, and item number 5 we're deleting related to items 2 and 3. So with that correction for the changes and corrections, we will go on to the time certain items. 30 morning briefings, first finalist presentation on the airport boulevard based code initiative. And number two is a briefing on social services contracting process. At 12 noon we'll have our 17 citizens communication -- general citizens communication. Those are for folks signed up to speak on items generally not on our agenda. we'll take up our zoning matters. we'll take up the -- we'll recess the meeting of the austin city council and convene a meeting of the austin finance corporation board of directors. will be our public hearings. 30 live music and proclamations. The consent agenda is items 1 through 95 with exceptions, which I will read into the record momentarily, but first i want to read for the record in full item number 45, which are appointments and waivers to our boards and commissions. To the waller creek citizen advisory committee, rodney aheart is appointed by council. And jim swissler is also appointed by council. Waivers, we'll approve a waiver of the attendance requirement in section 2-1-26 of the city code for lisa mcclain service on the animal advisory commission. The waiver includes absences through today's date. And second, we'll approve a waiver of the attendance requirement in section 2-1-26 of the city code for cameron graiber's service on the asian american resource center advisory board. This waiver includes absences through today's date. The following items will be pulled off the consent agenda. Item number 39 will be pulled to be heard after the briefing on that item which is scheduled for time certain 10:30. Item number 84 is pulled by councilmember cole. Item number 40 is pulled to be heard coincident with items number 134 and 135, which is after 2:00 p.m. Those cases are all related. Item 86 is pulled for discussion by myself. Item number 88 will be pulled for executive session and we will hear that item after the discussion of legal issues in executive session. The

following items are pulled off the consent agenda because there are folks signed up to speak. Items 28 and 29, item 37, item 55 and item number nine. Does that coincide with the city clerk? So that is the consent agenda, items 1 through 95 with the exceptions I just read into the record. Is there a motion to approve the consent agenda? Councilmember spelman moves to approve the consent agenda, seconded by councilmember cole. All in favor say aye? Councilmember morrison.

Mayor Leffingwell: Thank you, mayor. Please show me as being recused from item 33.

Mayor Leffingwell: Thank you. And also councilmember spelman is recused from item 33. So all in favor of the consent agenda motion to approve say aye? Aye. Any opposed say no. That passes by unanimous nan it passes on a vote of seven to zero -- it passes on a vote of seven to zero. I believe as I understand it councilmember cole pulled number 84 just to make a brief statement. If there's no objection, we'll take that up first.

Cole: Thank you, mayor. The city of austin has had a challenge connecting east and west austin.

Mayor Leffingwell: Councilmember, could you suspend just a minute. Could I ask everyone to exit quietly as we are going on with our agenda while you are exiting. Go ahead.

Cole: Thank you, mayor. The city of austin has had a long history of connecting east and west austin in connection with the interstate 35 barrier. Today the council will take a positive step forward in approving item number 84 in connection with john seebrook, who was a pastor and president of houston-tillotson university. It was very important to seebrook that martin luther king boulevard not be named only that name, mlk, in east austin, but also in west austin. And he testified passionately about this fact in april of 1975 before the city council. Unfortunately right after his testimony he had a heart attack and did not survive. This year a group of austinites on both east and west austin have requested that this council recognize and rename the bridge on interstate 35 after dr. seebrook. And with the passage of this item we will do that.

Move approval.

Mayor Leffingwell: Motion to approve the item by councilmember cole. Seconded by the mayor pro tem. Any further discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. We'll go back to regular order and take up item number nine, and thomas webber has signed up to speak in favor. Thomas webber. Thomas is not here. Robin cravey is signed up in favor, but wants to speak only if there are questions. Does anyone have questions of mr. cravey? I'll entertain a motion to approve. Motion to approve by the mayor pro tem. Seconded by councilmember riley. Any discussion? All in favor say aye. Any opposed say no. It passes on a vote of seven to zero. So now we will take up items number 28 and 29 together. The first speaker is -- i believe that's jay paul saldana. saldana is signed up in favor. Welcome. You have three minutes.

I think I had a few other speakers that donated some time to me.

Mayor Leffingwell: Is that right, jay paul?

No. That's okay.

Mayor Leffingwell: That's what it says. Okay. Tom ramsey? Is tom ramsey here? Okay. Judy donahue? Okay. So you have nine minutes.

Okay. Good morning, mayor and councilmembers. Name is paul saldana speaking on behalf of tom ramsey and the snappy snacks mobile catering business. First I want to go on record and say we do support the items on the agenda today. I do want to take this opportunity to thank the staff, specifically

shannon jones, for his leadership in facilitating the series of stake holding meetings that we also participated. I also want to thank the members of the public health and human services subcommittee, in particular councilmember morrison, councilmember shade and mayor pro tem martinez for their investment of time and energy and effort and their undivided attention throughout this process. For those who may not be familiar with this process, we actually started and raised these issues of concern about the mobile food regulations back about 16 months ago where we identified 42 regulations that other cities imposed that austin does not. And after going through a series of stakeholder meetings this last year you have the recommendations that are before you. There are a couple of points that we do want to convey. One is with regards to still we are not absolutely sure that the definition for a commissary or central preparation facility is actually clear and concise; however, the draft ordinance before you does address and reference throughout the ordinance several occasions that central preparation facility, but there is no definition of that. So we would ask that as the staff moves forward in adopting and enforcing this ordinance that is part of the administrative process in developing the application and the guidelines that maybe you include a definition of what a central preparation facility or commissary is. The other thing too is i think all of us who participated in the series of stakeholder meetings would agree that there needs to be ongoing public education in this process. I think that throughout this process you all have heard the tremendous amount of growth that we've had in mobile food vendor industry. Going back five years ago, we had a little over 600. Today there's more than 1600 mobile food vendor permits. I think there's some things administratively that we can also do that would enhance and improve the system. For example, when you come in and get your mobile food vendor permit from the city of austin, you are issued that permit and then you're told that you have to take the food manager class within 30 days. I'm not sure that there's actual follow-up to make sure that that's happening. That's an eight hour public education training component and we can use that as an opportunity to educate the public vendors, public mobile vendors about all the requirements, especially the new ones that we're adopting today. Clearly this is in the spirit of compromise we are certainly supporting the amendments that are coming forward, but I think there's still more work to do. I think one of the challenges that we're finding is that austin is very unique and what helps to make austin, austin is the various types of mobile vendors that we have here in austin. Throughout this process we did identify the staff identified I believe seven different categories. And right now the ordinance that is before you basically creates two categories, the unrestricted and the restricted. And so I think part of our homework and maybe work in the future needs to be perhaps honing down on those specifics. But again I think using the public education component as a way to address some of these ongoing concerns. So with that I'll leave it at that. Again, I want to thank the shannon jones in particular, for facilitating the series of stakeholder meetings and the councilmembers. I'll be happy to answer any questions at this time. If not, thank you so much.

Mayor Leffingwell: Thank you, jay paul. [Laughter] Is there a motion to approve items number 28 and 29 together? Mayor moves approval. Councilmember morrison seconds. And I will just -- calling saldana's comments and suggestions about the definitions of the final language adopted and if the staff could take that into consideration to accomplish that. All in favor of the motion say aye. Opposed say no. It passes on a vote of seven to zero. I'll go to item number 37. And the first speaker signed up against is lorraine atherton. Lorraine? Welcome, lorraine. You have three minutes. Just pass them all, lorraine, to councilmember cole. We'll share. We'll share.

Hi. I'm lorraine atherton. I'm here as a resident of the zilker neighborhood association and an avid volunteer at this little park next door to zilker elementary school. What I've passed out is a list of 27 people who support naming the park little zilker, and on the other side is an invitation to our park workday on october 16. And you will note that the address, the e-mail address at the bottom for the volunteer contacts is little zilker. We've been using this name informally for many years now, and it's -- it's not that anyone is adamantly opposed to naming it after the street, but we are fond of the name little zilker. And I would also like to take this opportunity to thank the park staff for all the support and help they've given us over the last several year in rehabilitating this little park. It's very important to the neighborhood and the connection with the school. It was originally -- the park was originally created, one of the first projects of the pta in 1950 when the school -- before the school opened, one of their first projects was to find a playground in the neighborhood. And so the pta is responsible for having this park. And so -- and the park is actually named after the school, so we would like to maintain that

connection as it is -- to reflect the connection between the school and the surrounding neighborhoods. Thank you.

Mayor Leffingwell: Thank you, lorraine. Next speaker is jeff jack, also signed up against. And welcome. You have three minutes.

Mayor and council, I'm jeff jack, I'm a 26-year resident of zilker neighborhood. Past president of the zilker neighborhood association. I'm here to speak in favor of maintaining what the community has called this park for years, and that's little zilker. I want to talk about a couple of things. The nomination process that we went through in the neighborhood resulted in two names, little zilker and bluebonnet, both going to the parks board. On the night that the parks board met to discuss this, unfortunately we had a zoning case in this chamber and many of the representatives of the neighborhood association that intended to speak to the parks board were actually having to speak at exactly the same time over so we only had one person from the group able to go over to the parks board. The parks board had a gentleman who is a resident of zilker and he made the motion to name it bluebonnet, and in talking to him afterwards, he said he got a letter with six names on it and that was what he had heard. Well, he had no strong feeling about it, but that's why the vote went the way it did. So we're not against what the parks board did. That's the information they had at the time, but I don't think it's the full information about the sentiment of the community. And to point that up, if you look at the list of names that lorraine just handed out to you, down in the middle of the list is a guy named tony laurie. He is the guy who came up with the alternative name of bluebonnet. But after thinking about it for awhile and listen to go the discussion of the neighborhood about the shis try of little zilker and also the fact that so many of the volunteers who work on that park and provide labor and energy to keep that park up were in favor of little zilker, he changed his mind and added his name to the list. So we would hope that you would consider the history of our neighborhood, our relationship with the elementary school. There was some discussion about little zilker being negative or demeaning, but you know, we are 78704. We're a little bit like little stacy park in travis heights. We would like little zilker to be the name of our park. Thank you.

Mayor Leffingwell: Any questions for mr. jack? Councilmember spelman.

Spelman: Jeff, if we take no action at all, what will the park be called?

What's that?

Spelman: If we take no action at all on this item, what will the park be called?

The zilker neighborhood park?

Spelman: Is that okay?

That's been the official name for a long time. Nobody has ever really thought of it that way. But I think that's probably preferable to -- preferable to bluebonnet, which doesn't really say anything about our neighborhood.

Spelman: But renaming it from zilker neighborhood park to little zilker park is what everybody actually calls it and you prefer that.

Yes, thanks.

Mayor Leffingwell: I would like to say this came at me out of the blue. It's on the agenda. I heard no previous discussion. I would think it might be beneficial to postpone this item or consider postponing this item until next week, just to find out a little bit more of what went into selecting the names and the process that there has been so far. I'm not going to make that motion because I can't, but I would

certainly be receptive to that. Councilmember cole.

Cole: I would like to atherton, but i jack to not leave the podium. I just wanted to get your -- more of your comments about the zilker neighborhood park versus the little zilker park.

We started this process really almost two years ago because we were finding that there was some confusion with of course we're right up the hill from zilker metropolitan park, from the big zilker park. And when we were trying to schedule work days with -- in conjunction with the parks foundation, it's my park day, that sort of thing, people would sign up for our workday, thinking that it was at the big zilker park. And so we realized it would be helpful if we had -- if we had something that would distinguish it, get it off the list right next to the big zilker park, and it's actually -- we've been going through this for two years hoping that someone would come up with a name that would stand out that everyone could get behind, and it just sort of never happened. The brilliant name, i would -- the latest transformation of the park occurred because of the rolling stone concert where we negotiated a big donation to the park system, and there were lots of people who wanted to name it after keith richards, jumping jack flash and all that. [Laughter]

Cole: Let me ask you this because I think it's -- well, I'll just say that i was a former president of the pta, so what does the pta want? Little zilker or zilker neighborhood or do you know?

Actually, we got a lot of -- a lot of suggestions from the school community, of course, and nothing rose to the top. Except for bluebonnet, which is naming it after the street, and little zilker.

Cole: Okay. jack a question. Were you a part of the parks board process for this?

I spoke to the parks board. I was the only run to run across the hall that night to have a chance to speak.

Mayor Leffingwell: Council, let me interrupt and just say we're not posted to approve the naming of the park little zilker today.

Cole: Let me make a motion to postpone.

Mayor Leffingwell: Would it be more proper to postpone it or to withdraw it and repost it with more flexible language? You can change it. Motion to postpone by councilmember cole. Seconded by councilmember spelman. Did you want to speak, councilmember spelman?

Morrison: I think it's great that we have a week to talk about this and I want to comment that I know this park as little zilker park. Certainly my interaction with the zilker parks has always been referring to it in a di minute iew active and endearing way.

Mayor Leffingwell: Maybe we could start the process of renaming the other park big zilker park. Mayor pro tem.

Martinez: Are if you look at your backup it did go through a 90 day renaming process. Bluebonnet received the most votes at seven. Little zilker at three and the rest of the nominations only received one vote each, unfortunately including sarah hensley was nominated as a name of the park. [Laughter] it did go through a process and just for whatever that's worth, I don't have a problem postponing this for a week, but it's not like somebody just threw this up here out of the blue to name it bluebonnet park and there has been citizen input.

Mayor Leffingwell: These are weighty matters.

Martinez: If we have little zilker, will we have little acl fest too.

Mayor Leffingwell: I think we ought to consider that. Everybody will weigh in on this one. Councilmember shade.

Shade: I just wanted to clarify that the person who nominated the naming it after sarah hensley was faith hill. But anyway, there are -- there's -- I appreciate the comments you're making. This is the first I've heard about it. I definitely support postponing it so we can learn more about it. I realize atherton said, you have been looking at this for two years, so the fact that there's been no ground swell and now maybe because of this coming up today on today's agenda you might have achieved more of a ground swell. I'd love to be able to postpone this so that we can look at something that's more relevant to what you're talking about. I would also like to say that in my neighborhood we have a park that's name after mary baylor also called the clarksville park. It's not as if you can't have multiple names that the neighborhood calls the park.

Mayor Leffingwell: Thank you. Motion on the table. All in favor say aye. And just to reiterate, it's a motion to postpone until september 30th. Any opposed say no. It passes on a vote of seven to zero. Next item on our agenda is item number 55, speaker signed up in favor, rebecca. Welcome. You have three minutes.

I just wanted to be here today first to say thank you for your continued support of our districts, part of the program of the austin independent business alliance. What you will find in your packet is a lot of information about aiba, but on the left side there's an update about the program and more importantly behind that there are two pages of testimonials from businesses that are located in these districts. A little bit of telling you about what this program has done for them and how it's helped their business. So we've taken a small amount of money and gone a long way with it, and I hope you find these testimonials both rewarding and inspiring. Thank you.

Mayor Leffingwell: Thank you. So we'll entertain a motion to approve item number 55. Motion by councilmember morrison. Seconded by councilmember cole. Any discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. Council, those are all of the items on our consent agenda except for items -- on the morning agenda except for item 40, which we will take when we hear items 134 and 135 related. So we'll go to our first morning briefing, which is a briefing on the airport boulevard project. Form based code initiative. You have three minutes. ??? Good thing I can talk fast. My name is rosie truelove, with the land and contract department. We're here to present the finalists for the airport land based form code initiative. I'm going to ask george adams to come up and speak more about the scope of the project.

Morning, mayor and council. I'm george adams with the planning and development review department. I'm here this morning to provide a brief overview of form-based codes and the airport boulevard form-based code initiative. In the most basic terms, a form-based code is a set of development regulations that is aimed at achieving a specific urban form for pattern of development. Form-based codes are typically focused on the relationship and interaction between the buildings and other improvements on private property and the public improvements within the right-of-way such as sidewalks, streets and related infrastructure. One principal goal of a form-based code is to create high quality public space that provides both community benefits and higher values for property owners and developers. Form based codes are being implemented across the country partly because they produce a more predictable level of development. They're frequently focused on a specific district or corridor, but several cities, including denver and miami have recently implemented form-based codes citywide. This addresses a two and a half mile segment of airport boulevard. It runs north of the intersection with north lamar boulevard in the north to i-35 in the south. The corridor links three significant activity areas. There's the capital metro crestview station at the northern end and the associated midtown commons development. There's

highland mall, campus and travis county offices near the midpoint of the corridor. And mueller anchors the southern end of the corridor. The capital metro metro rail line parallels much of airport boulevard throughout much of this segment and the brentwood, highland and neck loop neighborhoods -- north loop neighborhoods are adjacent to the corridor. As part of an earlier resolution, the council established an advisory group that will help guide this process throughout. The work program or scope of work for the project is divided into two phases. There's an initial phase that includes the valuation and analysis of existing conditions, and a second phase that includes the definition of a vision and a conceptual master plan for the corridor. This will provide a framework for the creation of the form-based code itself. Both of these will involve an iterative public review process and then toward the end we'll have the board and commission review process and council review and adoption. The major products are deliverable of this project, include the vision or conceptual master plan and the form-based code that will implement that vision. And also recommendations for a strategic set of infrastructure investments within the corridor that could encourage and support redevelopment. That concludes my presentation and I'm going to turn it back over to miss truelove.

So this rfq has gone through a four-phase process. The first is the request for qualifications process and scoring, which has been completed, and then panel interviews and presentations with the staff evaluation panel, which has also been completed. This third phase is what we're here today for, which is the finalist presentations to council, and then we have council awards scheduled for october 14th. The timelines associated with this, we issued the solicitation back in june of this year, and did interviews with the short listed firms in august. And again, today is the finalists presentations and council award is scheduled for the 14th. The top three ranked firms have been invited to present to council today to cover at a minimum the team's organization, their work plan, their approach to public involvement, and any similar form-based code experience. I do want to note that finalists presentations to council are not scored by staff as part of the evaluation process. The staff recommendation that will be presented on the october 14th agenda is going to be based on the evaluation panel scoring of phases 1 and 2 only. Our random order of presentation today is as gateway planning group is going to be the first team up. Then we'll have design workshop and then austin collaborative design studio doing business as me can adams studio. Each firm is going to have 15 minutes for their presentation, with a question and answer session with council following. They'll be given three minutes per response and we'll have a rotating order of responses. So each firm will have an opportunity to answer the questions first. The finalists presentation material will be placed in the city hall atrium along their presentation today. And it's also going to be placed on planning development and review's website at the location noted above. Public comments are going to be compiled and will be provided to council prior to their action on the 14th. Next steps after today of course is council to award the contract and then for us to negotiate and execute the agreement in november. Any questions before we get gateway up here? If not, we'll let gateway set up and we'll start that process. Thank you.

Mayor, it will take us about two minutes to move our materials over here. Thank you. Mayor, we're ready. mayor, mayor pro city manager and members of the council, it's an honor and privilege to be here. It's also an honor to be here with our competitors. And I've wanted to think in terms of how to put airport boulevard in context of real people's lives. So the metaphor I came up with is this is like asking somebody to go back to school and change careers. This is an opportunity for airport boulevard to take advantage of what it is, the people it has, its authenticity, its experience over time, but to reinvent itself in a new way, to have fun and to be connected to the rest of the community. And I think that's what it's like to go back to school and reinvent yourself. I think that's the metaphor that we are thinking about. In that context, our team is here today and I'm going to ask them to just briefly stand up, and I'll specifically identify them in a little bit in terms of the roles, but if our team could stand up. Now, this is -- i appreciate that. This is the gateway planning team. This is a little scary, but we added up how many years experience we have in austin collectively. 220. A little gray hair here. But I think that's important because we're a team that has national experience in doing form-based coding. Of this type of coding probably as much as anybody. We're also a team that does understand and lives austin. And in fact, the core of this team has been doing the strategic mobility plan and has been putting the connective tissue together that the voters will be considering, for example, this november. This is not about form-based codes. Form-based codes is a tool. This is about co-creation. This is about making airport boulevard a

place for the neighborhoods around it, an opportunity for the two mall owners to reinvent them and is. For the county to look at real future strategies for public-private partnerships, so activate the transit in the corridor, the two, possibly three transit stations if we're talking about one at Mueller airport some day. So I think the reason the gateway planning team is really the team for this job is because we're about building partnerships. And that's our track record. We know the technical aspects of form-based coding as well as anybody, but today we want to talk about airport boulevard. The picture in the upper right-hand corner of the slide starting with downtown business, we just recently completed with Kinly Horn a reinvention of a downtown through a form-based code on the Ohio River. In the recession, \$120 million of real development and infrastructure are under construction today. And the bank said this is key. We want low risk investment. So they formed a banking alliance for investment in downtown Owensboro. We created the form-based code to have predictability in that downtown environment and that's what we want to do for airport boulevard is to create predictability so that the small businesses and the neighborhoods, the city and the region can actually facilitate long-term investment, engagement, and so that we can see how the neighborhoods can be a part of that corridor again, which they are not today. In terms of the team, I'll be the lead, the principal in charge and the project manager. My partner Jay, who has extensive coding experience with our firm, will be the lead code person. And we have a tremendous public involvement team, Armando, Mark, Glen. I'll talk in a bit about why I think that's an important team. Kinly Horn is critical to this project because if we don't figure out how to reinvent the design of the roadway and get it reconstructed properly, all the design outside the right-of-way lines in the world won't matter. Miller, who could not be here today, former president of the design commission, one of the greatest designers in the world, is on the team. Ellie is on our team too, recently honored for her years of experience for design. Nelson Partners is on our team because we think it's important that we have a firm that is really experienced in infill retail development. To help us guide the development of the form-based code. Of course, Laura Tubes is here with us and her team because the civil and drainage and specific engineering challenges are going to need to be looked at in terms of cost of reinvestment. And finally John with TXP who could not be here today, who knows the Austin markets, knows Austin, will help us establish a market-based design strategy in terms of the master plan itself. Here are some images of the folks that are here today, but couldn't be with us during the interview. So they won't be able to speak during the Q and A, of course, but they're with us in spirit. In terms of our qualification, I'll be very brief. We've won the Dream House award for the best form-based code in the country. We're in the book form-based coding. Our street designs and our place making has been recognized in the Urbanism Best Practices Guide. The Federal Highway Administration has recognized our corridor work as best practices in the United States. And so we have the qualifications. I mean, I don't think there's any question that the three teams are qualified. I think the difference is going to be the work plan and the process. And the four items that we were asked to present to you really are all related. You can't separate them out in terms of stakeholder engagement, experience with the codes, how you will go about the process. They're really all related. So for the remaining time that I have, I'm going to walk you through a couple of projects and just give you a sense of the power of how the form-based code can be used as a tool. It's not an end, it's a facilitator, it's a tool. We're going to engage in early non-traditional stakeholder engagement. There's already been a these are one of the most sophisticated series of neighborhood associations already. I think we're blessed to have this as the first corridor to do this because these neighborhoods are interested in proactive engagement and I think the fit is perfect in terms of this as a prototype. We're going to do a market-based design charrette. In other words, is it 200 townhomes or 2,000? And the master plan better not plan for 2,000 if it's only 200. And if it's 2,000, you don't want to miss the opportunity. So we will work with TXP and our partners on the market side in our experience and Nelson Partners to make sure we understand what the real capacity is and there are a lot of unknowns. The redevelopment of the mall site, the potential private development, potential of the county campus site and of course the two stations. And then the key that I think with Rebecca up here earlier was a perfect lead-in because the Austin Small Business -- the Austin Independent Business Alliance has always been focused on what are you going to do for the small business person? This is an opportunity for non-large development interests to be able to take advantage of development opportunities. That's the power of the form-based code and that's the opportunity in airport boulevard. Then I think the most fundamental of all, how are we going to pay for this? And that's where our expertise especially comes in. We really understand the notion of value capture. How to assess and identify the opportunities in terms of tax-based growth and attracting other investors locally and around the country that are

appropriate for this corridor. And that's what we do. We're not just a planning firm. We will bring to the table the potential investors. We'll make sure that mark and his staff's team are fully invest understand this process so that the silos of the different needed infrastructure and long-term public works investments take ownership of this process early on. And that's imbedded and ingrained in the code process itself. We've already gone through an extensive analysis of the corridor. If we're fortunate enough to win, don't take phase one money from us. I'm kidding. But you can see the two banners over here to your left. Our team really understands airport boulevard. We've gone through some analysis. One of the big questions ta always comes up when we do corridor initiatives like this is what about the small business person that's in a nonconforming building? It's set back too far, the parking is not correct, and they want to do something to their business. Well, the traditional way is to make them grandfathered under extreme conditions and if they step outside of their grandfathering, they lose their opportunity to be there. We don't believe that. We don't want to put people out of business to move forward. So if you're in a current business in a nonconforming building and the use is still appropriate, then you can stay therein definitely. It's only until you invest enough money in your property that a threshold kicks in so that we're evolutionary and not revolutionary. And we go through the coding process, we'll calibrate the threshold to fit for austin and airport boulevard, which may be very different than the other locations where we've been working. In terms -- in terms of stakeholder engagement, part of it is just making it fun. This is -- we're about making airport boulevard a great place to live so that it's not disconnected from the neighborhoods. So we're going to look at some non-traditional ways to engage the community. Both those that are formally connected and one of the reasons that we have armando on our team is we also need to connect folks that are outside the traditional system. One of the things we're going to do is something called photo voice and we're going to give people cameras and give them the opportunity to go into the corridor and take pictures and comment photographically back to us about what their sense of the opportunities and problems are. So that they can effectively communicate back to us in a comfortable way, maybe in a way that they normally wouldn't do if they were just invited to a public meeting. Let me show you a series of slides that we're working on today in spawd island. Everybody loves it, but it is a community. 1600 People live within a two hours flight or travel time of padre. But padre boulevard is not designed properly, so it doesn't move on from what it's been for the last 20 years. With market based analysis we identified the key nodes for development. It's a state highway. Airport boulevard is controlled by the city, but in terms of convincing txdot, i think it's a standard for what we can achieve. We identified some development opportunities based on a real market analysis. That's what it could look like. But more importantly, look at the street itself. It was a five-lane with a big wide side bike lane, but nobody knew what it was, working with txdot kenly horn with local city officials within 100 feet of right-of-way we came up with a way to accommodate all modes very safely. They have a transit system, but it's ineffective because it doesn't have sufficient operation down the corridor. You can see a before and after. This is an actual photograph, big mexican restaurant to the right-hand side. What we did is this has reverse angle parking, like what you have on 26th street. And I know some on the city class side are looking at innovative ways and I think it's one of the challenges for airport boulevard because there's not a good way to cycle down airport boulevard, but there's a key piece to connect to transit so people can get on and off the rail and it becomes a complete multimodal opportunity. At the same time you can see in the top picture there was head in parking off street. We moved that into the right-of-way and that gave them more development opportunity so they can expand their building out. I'm not suggesting that that's necessarily the solution for airport boulevard, but kinly horn wrote the book on walkable urban thoroughfares and we've been working on projects with them. We really understand how to take the jom industry of a new -- geometry of a new design and integrate it with the rest of the initiative. Then we'll go through a process of analyzing the current code and looking at what needs to be done to facilitate a better development capacity long-term. Now, we're not married to a particular code type. We do all basic code types. We think probably the street frontage code is the most appropriate. This is an example of one that we did in duncanville on the southside of town (indiscernible). Which has been funded under design and is under construction starting this year. [Inaudible - no mic] this is a corridor that is under design, an aging commercial corridor with a rail line on one side, on the west side. You can see where the rail line is going to be this is now under design and construction. And there's real development occurring here. I think the most important example we have is downtown roanoke. This is an aging commercial corridor. It was left for dead. How do we take advantage of that destination. That was six years ago. But they didn't want t be what trophy club was,

what the -- we worked with the community on coding so that it could build on its own strengths. This is a code -- our code was in place four years ago. This was six years ago. That's today. You don't see a lot of the development behind us. Four new buildings, eight new restaurants. They brand themselves a unique dining capital of Texas. This is the power of creating consistency and predictability down a corridor. How do we pay for it? We identified the new value that would come in from the value capture. We worked with the city. Instead of creating a TIF, the decision was made to issue CO's because they felt like this was a contained enough project. Whatever the value capture mechanism is, it needs to be looked at and developed early in the process. But the bottom line is it needs to be analyzed and we need corridor backing from the very beginning because the demand to ultimately work on the infrastructure piece is critical. Most of these initiatives stop at the design and coding piece. We'll take it all the way through, but how are you going to pay for it? This is just a list of corridors we're working on today. Most of these corridors have already been either designed and coded. Many of them are already under reconstruction. Every one of our corridor projects we've worked on has been adopted. And there's real projects and real neighborhoods being reinvented and development occurring even in the recession. Because the investment community is still looking for places to put their money in a safe and predictable way. With that I'll close by just saying that we're passionate about this project. We have put this team together not to win it, but to do the work. And we really would appreciate your consideration because we believe that Airport Boulevard is the way to show the rest of the city how to do implementation. And that's been the Achilles' heel of the planning in Austin, Texas and we think this is a great opportunity. Thank you very much. Moisture mayor thank you, Scott. Just --

Mayor Leffingwell: Thank you, Scott. We are talking about the boundaries, Airport Boulevard with Lamar Boulevard on the north and I-35 on the south.

Yes, mayor.

Mayor Leffingwell: Okay. Thank you very much.

The next one that's going to present is design workshop and we'll allow a few minutes for them to switch out their materials.

The next firm is design workshop and this is Curt Cull Betterson.

Mouthful of a name. Mayor, mayor pro tem, council, pleasure to be here today. My name is Curt Cull Betterson. We're an urban design, land planning firm with offices here on Congress in Austin. The team that we have assembled we believe provides the best national experience, Dan literally wrote the book on form based code. Bill Wright has also similarly written extensively on topic. It provides both local and national expert teeth with a great focus on what we call proof, measurable built actual results. It's a team that brings a shared philosophy. We know that the city has a great Streets Initiative. We would propose to not only deal with the redevelopment plan for Airport Boulevard and form based code, but to create a great street in the process. It's a team that has a record of high quality implementation and by that I mean not only the drafting of a redevelopment strategy, the creation of a form based code, but also assist you as appropriate with the creation of development entities, finance mechanism of strategic civic investments and measured return on investment on those civic investments. And a commitment to long-term service. We think that as one of the first form based code in Austin it's important that this be successful, that it be an applicable model for other corridors, so training and education of staff, residents, the business community, indeed of this council, is an important part of the scope of work. We proceed from a shared philosophy, which we refer to as legacy design. By that we mean the best projects succeed from a community perspective. They succeed environmentally. They succeed economically, both financially for business and property owners and fiscally for the community. And they succeed artistically. As a built product, but artistically in terms of the way that we conduct our civic affairs and the artfulness with which we conduct the public process. It's a team that believes that place making is not only about the physical environment, but also about the cultural landscape that this corridor of Airport Boulevard has important local serving residential and retail that is critical to helping

maintain and create strong neighborhoods, which really is what the here development of this corridor is about in so many ways. We've included in the team Nelson Nigart, a national transportation firm with offices in New York and San Francisco and elsewhere. We believe they are the singly best transportation planners in the United States because they believe that transportation is urban design. Airport Boulevard is about a corridor, it's about getting the access management right, about driveway spacing, about curb cuts, medians, signalization, crosswalk, making those kinds of changes. It might be technically easy, but political and process-wide is a challenge and something that we accomplished successfully. It's about place making. It's about making places where people want to live and shop, about recreating a great public realm. About creating, as you can see here, in Lewisville Texas, walkable, transit oriented development. That's a key element of the process. It's about somewhat mundane topics like parking. If you look at the Airport Boulevard corridor now you might argue that the district is dramatically overparked, so it's about dialing in the ratio properly, so that you have successful retail environments about creating shared parking agreements in a mixed use environment, about creating parking districts, funding mechanisms that might fund, parking improvements and thereby freeing up land for redevelopment which makes the economic equation work for business owners and property owners. Nelson played an integral role here at Mueller in creating the parking district plan for that community. And again to quote Nelson, transit can be transformative. We would suggest that the city has not fully leveraged its investment in transit in this corridor now. It's important that we dial in land uses and density correctly. And this corridor in many ways is a one sided corridor. The boundaries of the study of the mayor where it went from one end to the other, but side to side, we suggest that the boundaries also include the industrial properties on the southside, so the transit shed, if you will, at least of the stops will be fully realized and that a vision for that land be articulated as well. And then finally it's about creating great streets. This is a corridor that needs to serve automobiles well. It needs land use dialed in correctly, but also needs a multimodal approach, provision for pedestrians, for bicyclists, other modes of traffic and transit, but also about opportunities to create green storm water management, lighting that protects the night sky, wave finding, landscape improvements that reduce the urban heat island and create habitat for urban wildlife. But it's also about land development and I'll let Todd speak to you about that.

We're a firm based in Washington, D.C. We've been in business over 40 years and I'm the principal in charge of our local office here in Austin, Texas. Our role on the team here is to ensure the corridor plan is grounded in market and economic realities. We want to be sure that what's in the plan is market supportable, financially feasible and actionable so that redevelopment can occur more quickly. We accomplish this by doing three broad things. First we're experts in market analysis and real estate development trends. Second we understand the developer, a large portion of our client base is developers. We understand how they think, how they evaluate opportunities from a development perspective and from an economic perspective. And third, by understanding the economics of real estate development we can effectively analyze and recommend key incentives, public financing tools and identify opportunities for public-private partnerships. The end game is for Austin to capture as much value as possible from the redevelopment of this corridor. A great example of a project in which we worked on in conjunction with the design workshop team where a lot of value was captured is in the city of Denver. At Denver River Front Park, which was winner of the 2010 (Indiscernible) award. This is a depiction of the plan that resulted from our analysis and work with design workshop and this is actually what has been constructed. You can see it's been pretty much completed at this point. Here is the street level view of the rendering, and here's what's stweal on the ground. What's most critical to note here is that this was on a brownfield property. It was worth about a dollar a square foot. Over time through the phase it rose in value to around \$10 a square foot, \$20 a square foot and then as development as occurred, it's reached in excess of \$180 a square foot and beyond. That's been a tremendous amount of value captured for the city of Denver.

Good morning. My name is Jose Martinez. My role in this team is civic engagement, which I would like to share with you by explaining this illustration right here. Our process is simple and it is comprehensive at the same time. We understand that the city council has created its citizens advisory committee. We propose to work with them diligently and request of them to help us identify additional stakeholder groups in the community within the subject area to ensure. The maximum public investment. That's one

major element of our process. The second element is on the lower left stakeholder groups. With the assistance of the advisory committee we propose to identify again as many as possible groups in the area. We understand obviously that there are neighborhood associations, but we also know that the interests of the merchants, the businesses is of paramount importance, so we intend to work with them as well. We intend to ask each and every stakeholder group to assist us in identifying additional groups in the area that are typically difficult to identify. And the reason why we want to do all this, identify all these groups, is to gain their interest. And secondly to gain their commitment to participate in the process. And of course, to -- once we have gained that commitment to participate, we would ask to gain their commitment to disseminate information about the project, about the process to their constituencies. And the third major element is represented on the graphic on the lower right. The block reads, interested citizens and the general public. We know that there are many individuals in our community that will not or cannot attend public meetings. We propose to then develop a mass media campaign. The typical campaign that we're all familiar with, radio and television. We would like to be able to create opportunities for members of our team, meaning the stakeholders, the city staff, and possibly members of our consulting team, to be interviewed by the local media, thereby disseminating information very, very widely. We of course know that there's a need to communicate via news letters. I am personally responsible at the moment for publishing two news letters in english and spanish. I know there's a significant hispanic population in this area and I believe that we can reach them based on our depth of experience in the austin community. And last but not least we propose to use the internet. We propose to create a website blog and the use of social media techniques and even obtaining information from the citizens that have access to computers via online surveys. We know that we want and need to satisfy the stakeholders in this area, so we would like to be able to collaborate collectively in arriving at substantive solutions. We call that substantive satisfaction. Psychological satisfaction, we intend to treat everyone, all the participants equally, respectfully, i respect, respectfully, and taking them seriously. And of course, we intend to provide solutions via an open and fair process. We want to ensure transparency, engage all segments of the community in the process, instill trust and cooperati between all groups and again to instill confidence to the community that change will not be driven by outside interests, but by them within the community.

This graphic illustrates that we intend to involve the participants in a hands on process throughout the process that will be described shortly by an associate of mine. In this graphic is simply an illustration of a recent design workshop website for the city of pflugerville that was designed during the -- during and for the development of their comprehensive planning process. Thank you. [One moment, please, for change in captioners] we often serve as strategic planners for city councilmembers. This is in hercules, california where we've played this role for about seven years. With corridor projects similar to this as well as city-wide development code updates and also I'm currently doing a countywide multi jurisdictional in beaufort county, south carolina and consulting with cities like nashville and cincinnati. Our work is catered to the unique characteristics as seen here of a project in flagstaff of that particular community. In corridor projects like this, we encourage the communities as well as the decision-makers and developers to think small in terms of reinforcing local mom and pop businesses and reinforcing and encouraging those in a project area like this, but also thinking big in terms of large opportunities such as the mall site where a large-scale, really high-impact project can be implemented and thinking about the corridor in terms of that hierarchy and different ways you can approach a different hierarchy along that corridor. Predictability was mentioned earlier. The ultimate goal of the form-based code should be predictability for the residents of the community in terms of the types of projects that they are seeing, predictability for staff and you as decision-makers of knowing what the visionist that the community has bought off on and writing a code to specifically implement that vision. And just want to say that we often encourage our potential clients to call our reference references and we say you will sleep well knowing project will be a priority and we will be doing a good job and you will be able to sleep well. Thank you.

Mayor Leffingwell: Thank you. 30 Seconds.

Rebecca leonard will be our project manager. She gave birth to a new baby girl this week which is evidence this team can produce beautiful measurable results. [Laughter] we believe this is a great opportunity for airport boulevard to be a model project for the community and want to emphasize the

fact that these form-based codes need to be tailored to the unique character of each neighborhood and corridor. We believe in measurable results and our great streets project we literally measure reduction of heat island, reduce increase of impervious surfaces so sustainability can be measured. [Buzzer sounding] and we're grateful for the opportunity to work with you and would welcome the opportunity to work with this great city. Thank you.

Mayor Leffingwell: Thank you have. Are those all the presenters? One more?

THE LAST GROUP is McCann Adams studio and they will be setting up their material. The last firm presenting will be McCann Adams studio and this is Jim Adams. Thank you.

Good morning. Mayor, councilmembers. We are really excited about being here this morning to present to you. Thank you for giving us this opportunity and thank you for initiating the airport boulevard master plan project. We think this is going to be one of the transformative in city of Austin that will start to remove barriers and really create new opportunities in this strategic part of the city. Can we start at the beginning? The power point. The video is embedded in the .. the power point. I'm going to take a few minutes to introduce our team and to discuss the specific issues and opportunities that we think the airport boulevard project presents itself. Sharon Robinson will highlight approach to community outreach and Matt Goebel will describe the preparation of the form-based code. We've assembled a multi-disciplinary team that we think are going to give you the expertise needed to successfully implement this project. A team that has experience in redevelopment planning, urban design, multimodal transportation design and the preparation of form-based code. McCANN ADAMS STUDIOS WILL lead the effort planning a core planning and design team and we'll be supported by a very talented local and national team who I will introduce. We have been very fortunate, McCANN ADAMS AND PREVIOUSLY Roma, to be involved in numerous projects in Austin that have assisted understand the transformation of the area. We believe we understand the community, we understand this particular corridor having worked and continue to work on the Mueller redevelopment. We understand the real estate conditions there and the. I will be the project manager. We are really fortunate to have Clarion Associates working with us on this project. Clarion is a firm based in Denver who specialize in form based initiatives. They've done them across the country. What we like about Clarion is that they take a unique approach to each project and Matt will describe that approach. They also have a significant experience locally having assisted city of Austin in coding commercial design STANDARDS AND the McMansion ordinance, real understanding of the land development code. And I should point out that graduate as well. Studio 8 architects, some of the most talented designers in town, will be working with us. This was the video that was mentioned earlier. But they will help us in testing different development prototypes and in creating visualization. This is one we did for San Jacinto for the downtown plan, and will help people understand the effect of proposals. Community participation, Sharon Robinson, who we have worked with on several projects, real keen understanding of this community. We worked with her on Mueller and I believe that the success of Mueller is in good part due to her efforts. Sharon peers special ice z in multi modal transportation sign. Matthew is the chair of the international transportation engineers council on pedestrian and we know this corridor. Airport boulevard was a state highway up until recently. Its primary mode was to move traffic. This is a real opportunity to rebalance the corridor and to help transform it. That transformation is underway certainly with the red line, but also with the significant redevelopment that's occurring around the area, Crestview, Mueller, Triangle, all indicating the need and the opportunity for change. We also have to recognize that we have significant neighborhoods that overlap this corridor, the Highland neighborhood, North Loop, Brentwood. All of which have developed neighborhood plans. And so we really need to understand those. Those neighborhood plans we think are very consistent with the goal of revitalizing airport boulevard and transforming it. We will be working very closely with the community to redefine the role and the design of the street and the development pattern that should occur out. We will be testing various opportunities with the community both from a functional and a design standpoint. Should the streets see a mixed use multimodal street where activities are brought up to the street with a consistent pedestrian environment. With the significant right-of-way here, 200 feet in some locations, there is an opportunity to do a multi-wave boulevard in the tradition of a Parisian street with local access at the edges and through access in the middle. Or perhaps there are opportunities on portions of the street to create a park way effect

particularly where we have single-family neighborhoods that back directly on to the street. It's important to note that there are a whole multitude of conditions along this corridor. This is not like a typical part of the city with standard blocks and parcels. We have parcels ranging from half an acre immediately adjacent to single-family homes with viable businesses on them up to significant tracts of land like high land mall, all of which have their own issues and opportunities associated with them. Highland mall is under multiple ownership, complex reciprocal agreements, and we really need to look at the -- acc has acquired one of the tracts to adapt a building. We really need to look at how this area is going to evolve and how we can transform it over time. It's not a blank slate. And also speaking to the environmental issues here, we really need to look at innovative and regional ways of dealing with water quality and detention so that each individual parcel isn't having to do that. If we're trying to create the urban mixed use pattern, this is going to be critical, and there are opportunities in excess right-of-way to do some really exciting, innovative things that will transform both the identity and the role of this corridor. I'd like to take a few moments and have sharonda describe our public involvement plan, and then matt goebel will describe our approach to form-based code.

Good morning. person a mic and audience. I'm glad to be here because one of the things that we get to do on this project is create clarity. That's what adisa means, it means one who makes things clear. So any time we are working with communities around projects, we want to take what our technical folks are talking about at a planning level and all of the data and information that gets collected and really bring it to stakeholders in such a way that they understand, that they get it. Not only that they get it, but they are able to interpret it and figure out how it relates to them and how they can use that -- how we can then gather their input in order to make good decisions. And create what really ultimately what we're looking for is a visio for this area. And so what I'm talking about is making sure that we have public involvement, but public involvement that supports the decision-making process and supports us in creating a really good plan for this area. So that's my role is to engage those stakeholders. Let's see. So we know that we have a community advisory group that will be appointed for this particular planning process, and we want to work with that community advisory group to get the word out about what we're doing and also make sure that we get their ideas. We want to mine issues for opportunities along the corridor and really connect the dots between what the values are of people who live and work along the corridor to what is possible in terms of a vision plan. You know, I really believe in picking up the telephone and calling folks that are going to be impacted by this project. So one of the first things that we'll do is develop a really good database with the support of the community advisory committee to ensure that we have identified everyone who is impacted by the project and that they know that they are invited to participate in the process, they know what's going on. We'll also use online engagement as part of the process, social media, making sure people have good information about what's happening, what the issues are and how they can be involved in the process, and good old-fashioned newsletters and yard signs so that as we move throughout the process, we can provide notice to people who are along the corridor and want to be involved. You know, one of the things that we get to do as part of this process is a community-wide charette, and we believe that particular meeting creates an opportunity for us to really drill down deep with stakeholders. And it should be a fun process. And so we're looking at ways to integrate technology so that in the room, in that moment we know what the values are by the click button polling and those sorts of ideas. So really my job is to make sure that all of these stakeholders that you see listed here and people who are busy, people who couldn't come to a meeting, people who run businesses and have to work are also engaged in this process.

Good mor matt goebel from clarion. I think if there's a lesson we've learned about inform-based coding the term is defined differently in different communities. Form base is an alien concept to a lot of neighborhoods. Very familiar to people who study urban planning, but form base is something that requires a lot of education out in the community. They need to understand what form base means on the ground and we think form-based coding can take a number of different forms. We bring a lot of different approaches that we've tried in different places to this project. Some of the common denominators are they are highly graphic. They are very robust in terms of illustrations in terms what the community is trying to develop. Some of the graphics from henderson, nevada, from minnesota integrate form based concepts similar to what we did with stun several years ago with the mixed use design standards and we also worked with you to implement the McMANSION ORDINANCE THAT

YOU Developed. Form based codes can be helpful to illustrate prototypical down the road. They apply to much more specific level on a lot by lot basis. The example on the right from carson city, nevada, is a regulating plant which is often associated with a form-based code but not always to show how the different standards apply on a very specific site by site basis. We don't have a cookie cutter approach. We come to the project knowing we need to work with you to think about an approach that makes sense for austin. This a simple spectrum that i have illustrated showing the range of approaches to integrating form based standards into code. Two on the far right, you know, much more rigorous approach that includes new form-based districts based on a strong regulating plans. A smart code on the far right and a whole range in the middle. I want to illustrate that we don't have a set idea for austin where this code needs to come down on the spectrum. We look forward to working with you to think through which approach is appropriate. Some of the considerations that we'll have to look at are on this slide here. Relationship to the overall regulatory framework. We have worked with you before. We have drilled down into your neighborhood plans, into the land use code. We worked with you to develop the new subchapter e. Code. As part of that process we had to develop extensive sets of tailored revisions to other parts of the ordinance to ensure consistency with existing regulations that you had. So we've got experience thinking through that relationship of a new bold regulatory idea and how it fits with the rest of the picture. Thinking through the neighborhood plans, thinking through the existing development patterns. It's very likely based to the different character areas that jim identified there will be different sets of standards necessary for different parts of the corridor. Potential for adaptive reuse, nonconformity, wild cards. Making sure there is real opportunity for creative expression in this code. Builders like form based codes because they are very predictable. Architects tend not to. The denver ran into heavy fire from the architecture community because they felt it was limiting their creative expression. We heard the same types of arguments when we worked with you on the mixed use and design standards. We need to think through how this is tailored for austin. [Buzzer sounding] we have the competence necessary definitely, but also we're committed to making this a true austin project that is tailored to the community and we don't have a cookie cutter approach.

Mayor Leffingwell: Thank you very much.

If council has any questions for if finalists, learn we'll allow them three minutes to respond to each.

Mayor Leffingwell: Councilmember riley.

Riley: Thanks, mayor. Yeah, I do have a couple of questions. First question is about funding for infrastructure improvement. We all -- I think we can all agree significant infrastructure improvements are needed along airport boulevard both in terms of dealing with the road itself and in terms of addressing drainage, storm water, other infrastructure issues related to the environment. So I just wanted to -- we talked a lot about form-based codes providing a mechanism for value capture, but part of the problem we have is that it is one of timing, that some of most -- some of those investments in the infrastructure really need to be front loaded. Before we can expect private sector involvement we may need to do significant improvements to the road and other infrastructure right there. The question is how do we move forward on those road improvements perhaps before we see significant increases in the property values along the corridor. How are -- what mechanisms would you foresee being brought to bear to fund the infrastructure improvements that we all agree are needed and particularly address the problem of time to go the extent that those improvements before we see significant changes in the buildings or in the corridor.

We'll let design workshop RESPOND FIRST, then McCann adams, then gateway planning.

Mayor Leffingwell: And each will have three minutes.

Two examples from the projects we're working on in st. louis. One is the notion of what gets measured gets done. So understanding the potential savings which come to the city from these improvements, it could be reduction in accident rates, reduction in crime rates, improved storm water efficiency and so

forth, so what are approximate measurable savings if you will, that come from that. Second of all proceed with a budget from the very beginning. So as you understand the market realities, it makes a project very real to have a financial estimate or cost estimate of all of those improvements, and we've included a cost estimating firm on our team so we have those outset. Third, we're very strong believers in the concept of fiscal return on investment. So understanding with redevelopment of the corridor and the projected tax revenues that come with the city, how do you right size the public sector so you don't overcommit only to find out redevelopment lags behind. And finally which we don't think you spoke to, but we found that form-based codes work best when you are really driving the redevelopment process. There's an individual or entity tasked with redeveloping the corridor. And so you are not only preparing a plan and the framework to redevelop the corridor, but there's an entity moving forward to make sure that the plan is being implemented. Otherwise you could make those improvements, write the form-based code and wait simply for the market to respond on its own time frame, you may not find the results. So drive the process.

I agree with much of what was just said. I think that we need to understand what the funding opportunities are here in Austin. I think value capture is key. We are in a -- we're taking an initiative to promote redevelopment here so we need to understand what that future value is and perhaps take opportunities to do tax increment reinvestment zones. We need to understand also the other funding opportunities. There may be opportunity of creating a master development regime like we've done at Mueller that uses value capture, but also takes other funding opportunities and couples those. There may be opportunities to do special assessments. There would be opportunities for bond investment as well if we can truly demonstrate that the level of value that will be created by those improvements. And I think there are great case studies across the country of that kind of investment yielding great private investment results.

Councilmember Riley, I think three key things are relevant. One is respecting the neighborhoods. When I say this, this really is about a business plan for the corridor and understanding the development potential that needs to be driven by those that are going to spend money in the corridor. And identifying early on those catalytic projects and partners on the private side are critical. That needs to drive the phasing of the overall infrastructure investment strategy. It's just good business. I think second of all the key is understanding how to phase through the various funding resources available, not just local value capture, but network economics. Really understanding how building the tax base in probably the center of the demographic region of Austin, Williamson County, can drive investment beyond Airport Boulevard, then gives you the opportunity to think in terms of other resources available in terms of prioritizations. That's what you all deal with every week. I think that's the critical piece. In terms of the fundamental value capture techniques, absolutely all that's been said needs to be done. Michael Morris was here not the etc event a couple weeks ago, some of you were there to see him. We've been hired by Michael to quarterback 30 Airport Boulevards in Dallas-Fort Worth to look at an entire system of investment for development patterns that will sustain themselves and also preserve the neighborhoods so that the sources of revenue come from the growth instead of waiting for Washington, to drop down to you something that probably is not going to come. I think Curt has something to add in terms of the S and P.

Project manager on the strategic mobility plan. One of the things we've done as part of that process is develop a fairly elaborate process so -- prioritization process so we want to plug these in so they rank up high and we know that process and we understand how to get projects in there that are going to score very high in the city's ranking system.

I think one thing to add to that, that was based on the feds' new standards for livable communities and their new metrics, not just looking at congestion but tax base potential, neighborhood reinvention which you all I think are starting to look at in terms of budgeting process. I know it's not a direct answer in terms of specifics, but I think if you don't put Airport Boulevard in that context it's a missed opportunity -- a missed opportunity.

Mayor Leffingwell: Anything else.

Riley: One other question. I feel like I need to ask something about pedestrian safety because in talking with neighborhood groups in the area, that is one common theme I've heard again and again. That a lot of folks like particular businesses along airport boulevard, there are a lot of treasured small businesses in particular along the corridor, but you rarely find somebody who walks from one to another because it's not a pleasant comfortable walking environment today. Particularly a problem for neighborhoods to the south of the corridor from right there at the north field and north loop neighborhoods, even going down to hyde park. A lot of folks would like to be able to walk to airport boulevard, but to them it's a big barrier. They don't feel comfortable walking there. I wanted to get a quick answer to what your vision might be as to how people could -- how we could transform the environment in terms of making it friendlier to pedestrians and in could have your answer, if you could -- course of your answer, if you could suggest one or two projects in particular you have worked on where we could look and see if we wanted to see a before and after, we could look at that project and see how you took a hostile pedestrian environment and helped transform it into something that was friendlier for pedestrians.

McCANN ADAMS, GATEWAY Planning and design workshop.

Unfortunately we don't have matthew ridgeway here so I'm going to speak for him. Matthew chairs the pedestrian safety and bicycle safety council of the ite. They have written, just published california pedestrian safety study and have performed more than 40 different analyses of different corridors in the california region and beyond. A lot of what we do personally is transform districts and corridors. I could - - different example ins san jose, california, of the capital corridor which you could go and look at which is in the process of being transformed to an urban multimodal corridor from a transit corridor from a highway similar to this. In terms of airport boulevard specifically, I think that scaling the street appropriately, phasing in improvements along the edges, creating medians in that area that would provide for safer crossings are some key strategies that really need to be adopted here. We have a significant right-of-way and some great opportunities of manipulating that so that we rebalance it. With that, I -- anyone else who wants to respond?

Councilmember riley, i think there's two answers. One is, first you need to determine what the type of street you have. Is it like second street where it's pedestrian priority or is it still a major regional arterial that needs to okay date traffic. It's the latter n designing the cross-section to not only compliment the development ajayent to airport boulevard, we have to make it clear what each potential mode is supposed to be doing for driver expectation. That's why a bike lane probably makes sense in this corridor. Recently we were completing the design of a new multi-way boulevard to anchor the new town center for the 50,000 texas a&m campus on the south side of san antonio. We're designing the villages around it. 60,000 Cars a day, 180 feet of right-of-way, but there's enough to make it clear where the modes should go and make it safe at the intersections. I think we would be fooling ourselves to suggest this is going to be some kind of pedestrian plaza, but you can make it safe for pedestrians. The example we showed you i think is a good example. Lots of people going to dinner in roanoke on oak street for years, nobody knew where to park, cars would speed through quickly. Today, you go down there thursday, friday, saturday night it's the place to go and it feels like a plaza and a great of about and after design and we used form-based code as the glue to do those two things.

Good morning, tom grant, traffic engineer. I'm the lead engineer on this project. For us, it's very important, all the different modes of travel and being traffic engineer is not just focused on cars anymore. This corridor with all the modes we have and there are a couple of pieces where you have bike lanes, definitely gaps in the sidewalk and pedestrian safety when I was out there, I would be concerned about it today where you have the gaps in the sidewalk, you've got a lot of driveways that go over the sidewalks, and that is something that we look at in our analysis, look at favored crossings, how to get people to the transit stations, bus stations and working with that is part of the whole package.

I'll talk quickly. I have 11 points. One, speed kills. One of the first questions determined is what is

appropriate design speed for airport boulevard. Empirical data would suggest if you are going over 35 miles an hour, a car hits you going more than 35 miles an hour, you are probably dead. So using the public process to arrive at a speed limit design for the corridor is absolutely critical to safety. And there's a balancing act between through-put and pedestrian safety and the strength of the neighborhoods that respond. Related to that is crossing distance. In looking at the traffic volumes on airport boulevard, it is a street that I think would certainly be worthy of consideration for what you might call a road diet. It may not need to be as wide as it is today. The curb lines may in fact move and that looking at that alternative and understanding the cost and benefits of such a tradeoff are important. Medians can provide one form of refuge for people crossing to provide safety. But we've not talked a lot this morning about the side streets that come in and it may be possible to do some kind of narrowing of the side streets to improve safety pedestrian on the side streets. And you do have an odd situation where much of the grid hits as an odd angle to understanding the geometry of those intersections is important. Getting signal station, pedestrian crossing timing right. People like me carrying a few extra pounds or elderly may need a little more time to cross the street. So dialing signalization correctly the possible. We've talked about a greenway along the railroad tracks using part of that right of way to create a bike lane that might be separate from the roadway to create a huge benefit, amenity benefit for the corridor. And I think you can produce measurable results. Understanding what the accident rates for pedestrian and automobiles are now. Louis example, we actually mocked up the roadway using jersey barriers and concrete pots and so forth and modeled the future street configuration so people could drive the street before it was rebuilt and actually saw in a measurable way the reduction in accident rates before you built the roadways. It's a lot cheaper to do it that way before you build the it in concrete. Lighting. Oftentimes these corridors have too much contrasting lighting. Way finding. Can someone get in and out of a business without slamming on their brakes can relate to safety. And then general understanding access management curb cuts. There are quite a few things, but really measurable results and understanding what you are trying to design to from the outset is critical.

Mayor Leffingwell: Thanks. You made it. I've got a question for staff. Pretty simple question. How did we arrive at this dollar figure? Almost half a million dollars. I mean, we've done so many studies over the last year or two, my recollection this is one of the priciest I've seen.

Mayor, George Adams, planning and development review. Relooked at the major -- we looked at the major planning projects we've undertaken the last few years, took the budget, compared the scope of those projects to what was proposed in this project and came up with a range based on the range that we identified was somewhere between 450,000 and 750,000. So we're at the lower end of that range that we identified.

Mayor Leffingwell: Is this because it's totally new concept and we don't have any experience? I mean, we have other corridor studies, comprehensive plans, downtown plans.

Although we've done projects that have elements of form-based codes, this will be the first time that we've kind of done a full on version of it. The other big difference is we're asking the consultants to actually come up with the code itself, which is a role that staff has taken on to one degree or another with a lot of the other projects. And that could be a fairly -- fairly pricy item.

Mayor Leffingwell: And my final question is will this planning process include identifying potential conflicts with other planning processes that have already been done or are in place?

We would certainly --

Mayor Leffingwell: Comprehensive plan, for example, t.o.d.

We would want to coordinate those and -- we would want to coordinate those.

Mayor Leffingwell: Councilmember spelman.

Spelman: If I can follow up, this is a relatively expensive project and one justification is airport boulevard needs a good plan, but a big -- the big part of the justification is this is a demonstration project. If form-based code can be helpful on airport boulevard, we'll be able to take that same approach, not just the form-based code, but the other public empowerment strategy you are talking about to other corridors and other neighborhoods. I would like to ask each of the finalists the extent to which that could be true and what it is you can do in implementing your stand and take it on the road.

The order will be gateway planning group, design WORKSHOP and McCann adams studio.

Mayor Leffingwell: And let me just say we're getting 00 time certain and we'll plan accordingly. If we need to, we will recess this hearing and go to our citizens communication and then executive session and continue this afternoon.

Spelman: If it helps any, mayor, that's my only question.

Mayor Leffingwell: Pardon?

Spelman: If it helps, that's my only question.

Cole: Mayor, I want to let staff know that my line of questioning is going to have a lot to do with the mueller development as compared to the investment that we must make here. So you might want to review some of that data.

Mayor Leffingwell: So it looks like we're headed for this afternoon. For completing this.

Spelman, I'll be brief. The process of business model and tie I go it to the infrastructure investment and relating planning on implementation this needs to be a prototype for other corridors often the emerging railway system and the neighborhood plans. Which is really what we envisioned a long time ago when the citizens planning committee reported out to this council years and years ago about integrating those things. In terms of the code itself, mayor, the form-based codes that we do, those of us that do form-based codes that are leading to real projects, you have to do building scale master plans. And you have to then actually code and write the code from scratch to implement that vision. It's very difficult to create a prototypical form-based code that's of any long-term utility in temperatures of scale and usefulness by just doing a cookie cutter code. A form-based code implements a vicks of a particular location. So the answer is yes in terms of process and relating to your fiscal, budgeting and infrastructure and regional network and no in terms of actually having a code that you could take and put into another corridor. But once you have the principles and local culture, for example, the issue of what's the threshold in terms of nonconforming buildings, you don't have to reinvent those principles. You can use a lot of the principles that we would develop in the airport boulevard corridor in others so you would have some efficiency. I hope that helps.

Well, I think knowing the intent that you would like for it to be used that way from the outset is important because we think that there are some elements of the skeleton of the code that could be drafted in such a way that it's applicable. But the trick is really to tailor it to specifics of the corridor. I think the question about the cost of the study was important and I think one of the responses was is that the actual codification of the plan is something that staff oftentimes does and so we need to be mindful that we should work hand in hand with staff and make sure that they really understand and are learning as we go through this process so they can carry that much of that work forward in other corridors. Third, we are a firm believer in what gets measured gets done, so the idea of a establishing performance metrics and evidence-based design for this corridor would allow you to have metrics that could then be applied to other corridors or similar situations as you move and then finally, and I'll let dan add to this a bit, we

think training and education of staff of the business community, the local community to the codes is important. That's what a lot of [inaudible] does if you've taken a class on form based coding, you probably took the class from dan.

I think the first thing i want to say is actually that there's no reason the actual creation of the form-based code costs any more or takes any more time than the actual drafting of a conventional zoning. It's the process being set up to create an effective catalyst and model project. In terms of very good question from the mayor about sort of enabling the staff to latch on to this demonstration project and not only implement but think about spreading it citywide. We're currently working with the city of cincinnati right now on a very similar project where we've been hired to assess their zoning code, create a proposed approach to applying form-based codes so select focused neighborhoods and then training the staff to actually enable them to take a pilot project and learn from that and then actually set up an urban design studio to implement the form-based code. So there are various approaches to think long term about applying form-based codes internally beyond the application of this demonstration project. At curt said, teaching is a very critical part of our projects as well as our -- my role as a board member in the form-based code institute. We've been teaching for over seven years, probably several thousand have gone through the courses, planners, citizens, decision-makers, and it's always -- it feels really good to me to send a lot of people out to do the right thing and to be effective using this tool. So it would be great to, with you to do that here. Great to work with you.

From our perspective, McCANN ADAMS, I THINK WE Agree with a lot that's been said. We've followed the code for a while and it's a challenging document in terms of structure and in terms of substance. There's a lot of opportunities for streamlining. We feel like we carry the ball forward somewhat with the commercial and mixed use design standards. We would love continuing doing that with this project. With that earlier project, we did a series of training sessions with your staff. We sat down with the folks at the count their actually implement the plans, accept applications on a daily basis, talk how their life would be different under the u.n.o. Code. We would see similar training as part of this process. In terms of form-based code, substantively, you are going to have the chance to think through problems. Will you have the opportunities to think through -- to get feedback on the development community that will apply throughout the rest of the city. And finally also just in terms of the nuts and bolts development of the code. Setting up a format, setting up an organization, this is an opportunity to help us out as a strong foundation for integrating form based codes.

Mayor Leffingwell: Thank you. Council, will there be further questions of the team? Okay. So we will recess discussion on this item and I'll invite to you come back this afternoon. It will probably be, my guess 00, something like that. Of course, you don't have to but you are invited. [Laughter] so we'll see some of you then at least. Thank you. So now council, we'll go to our citizens communication. First speaker is sharon blythe. Topic of discussion is water plant 4 transmission main. Welcome. You have three minutes. ott, you might want to stay. My name is sharon blythe. I'm with the spicewood springs tunnel coalition. First of all, I want to thank randi shade, laura morrison, bill spelman, chris riley for meeting with our coalition to discuss these water transmission mains. We appreciate your into. However, you know I wouldn't be up here if I didn't have a problem because things are heating up again at spicewood springs road. Last part of august, someone here at city hall made the decision to completely cut the citizens out of any kind of meaningful information coming from water utilities. The examples are in late august it appears the watershed protection public works and water utilities city employees were asked not to contact -- not to talk to any citizens unless it was through their pr people, kevin buckman. These people are paid pr people. Er in putting such a spin on the information it appears to not be in line with what's happening on the ground. Erin gray responded saying the traffic studies are ongoing during all of september. However, if you'll remember, two weeks ago that road was flooded out and there's no traffic going down old spicewood springs road. So those are invalid traffic studies. Also the one traffic study we did see was one day two young people sitting is there with pen and paper making marks on pieces of paper where.

While they were talking on their cell phones. They were very attentive to their jobs. Yesterday more drilling rigs pulled up on spicewood springs road with trucks where they had painted over the names of their companies on their trucks. So the citizens couldn't find out who the drilling companies were. That's complete lack of transparency by someone here in the city. We've had -- since august we've had to resort to public information requests and those answers are slowly coming back in. Most of the answers are nonresponsive. Some of the answer are very high level with no attachments or documents to them. These are environmental study documents, boring test results. All the environmental studies have been held from the citizens. And we are keeping a list of their public information requests and we are going to refer our requests to the texas attorney general's office and travis county. And surely if you want citizens to trust the city, there would be an increase in transparency rather than decrease and apparent coverup of information. We believe the lack of transparency is a directive from the top city management, not city council, but operating management from the city manager's office. It's a tone at the top attitude where citizens are being left out of the process. [Buzzer sounding]

Mayor Leffingwell: Thank you, sharon.

Thank you.

Mayor Leffingwell: Our next speaker is sylvia mendoza. Topic is somewhat brought, city issues. -- Somewhat broad, city issues.

This is supposed to be the third in a series of educating city council about illegal immigration and going against arizona t manner and method of conducting this city council is that of traitors since they do not support a state within the united states. They seem to be supporting illegal immigration when they should only be supporting legal immigration. The last two times I was here most of city council was not paying attention so here goes. This is your job as public servants. You are hear to listen. That's what you get paid for. I and the rest of us will not be overlooked. All you have to do is listen to the citizens in citizens communication for 30 minutes. This is part -- this part of the agenda is also important. Did you not take an oath to do this job? Don't tune me out, hello. You need to look in my direction when I'm speaking so I know you are paying attention. Don't be conversing with each other. I observed that with the first speaker. And there is evidence that you were not listening to me last time because at the end of the speech I mentioned that my colleague and I said her name would not be here and as I was walking away it was called out. I was repeatedly asked a question and then repeatedly asked another question. Could it be that I do not have your intellect? Could it be that you are on your high horses or could it be someone is paying you off, am I boring you, do you have no feeling, no soul, are you desensitized? If you are I ask you step down and let someone else do my job. All right, I still have time so I would like to see about this topic. The city attorney has lost his job and [indiscernible] also fired for other so-called actions. Has the city not lost enough money yet? Have you not noticed the consequences of your actions? Some of you think you are high and mighty. Now the city is being sued twice. Pay the family for the great injustice done to them or are hollow and empty inside. You are gambling with the city's money. Even the insurance companies you recallly pay out in order to save money in the long run. It is highly unlikely the city will not have to pay out more. It will be the luck of the draw since city council mass made enemies throughout the year. I was about to thank you for a full pa but I think somebody walked out so I'm taking back my thanks.

Mayor Leffingwell: Just for your information and anyone else's, the reason i called out the name of the person you said would not be here, I have to do that. I have to call out the name and ascertain by myself that the person is not here. So the next speaker is mark williamson. I have -- had a message he has canceled and will not be here. Mark williamson. Again, I'm calling his name. John biggr is also not here. And tom smith. Topic is austin energy is losing its clean energy edge to san antonio.

Mayor, members of council, my name is tom smith. I'm better known as smithy. I run public citizen. I

think as you all know, austin has long been recognized as a leader in green energy and we're losing that edge to places like san antonio, dallas, houston. Largely due to the management team we have in place today and the lack of attention and pressure from this council on the management team to make good on the promises that have been made. In the six months delay since we have -- roger retired, we've lost momentum and key opportunities. Meanwhile, san antonio has completed its blue wing solar plant, a 14-megawatt plant. We haven't even begun to turn dirt a decker. They are spurring the development of 10 megawatts. That's the value they see in the -- in not running their peaking plants. San antonio and lcra have invested down on the gulf coast on peak wind plants. Austin has not. San antonio has a shared energy vision called mission very day that incorporates transportation, housing, energy and everything to do with it. Austin does not. Austin has slipped from first to fifth in terms of renewable usage measured by rex retired. Farm behind ruminant, lariant, green mountain and san antonio. The city of austin gets 20% of energy from green power. Dallas and houston 100%. And if he had bought in at batch 2, we would be saving \$3 million a year. Stun created a plug-in hybrid partnership program that created a boom all over the united states of interest but has done nothing wit and at the same time nrg in houston and stand are beginning to offer lease programs to those people who choose to buy plug-in hybrid vehicles. Austin created this vision and saw an opportunity to make revenue off of the transportation sector but failed to move forward on. That austin has failed to move forward with our generation plant even though it was unanimously approved five months ago. We could have resolved port of the utilities shortfall by adopting a energy efficiency rider, a good idea that was never surfaced. The affordability index is now only focusing on residential customers and is likely to be delayed until december. The city manager has long made it known to this city council that they are not really the board of directors of this utility. That this is a department like any other to be controlled by him and his staff. But we want and you want austin to become a green energy leader and to be number one. That's been a goal you've had for almost 20 years now. We want to create green jobs and green industries, and at this moment san antonio is doing that while we're basically stalled. [Buzzer sounding] you as a council have a very short window of time with larry weeks coming in to be able to retain that --

Mayor Leffingwell: Thank you.

And we hope you meet with him early and express your intentions. Thank you very much for your time.

Mayor Leffingwell: Next speaker is marcello tafoya. Marcello is not in the room. Next speaker is gavino fernandez.

March tell low called on an emergency and won't be able to be here but with your permission I would like to question deleon.

Mayor Leffingwell: Only the person signed up to speak can speak.

My name is gavino fernandez, coordinator of con sill low and member of the east town labored association. And the reasons we're here is to -- neighborhood association. The reason is discuss with you to open your mind and hearts and to consider the fairness and the application of the holly mitigation fund. Once again holly mitigation fund are austin energy funds. They are not federal funds, they are not state funds. They are mitigation funds. Two of you councilmembers are lawyers so you understand the issue of mitigation. Many of the seniors are the applicants that are applying for these funds. The homeowners are the ones that have lived in this area for 30 years and endured the toxic emissions and the noise levels that this plant put out in our neighborhood for all those years. And the reasons that we come before you to ask for fairness and equity is because this council awards \$45,000 to music festivals, no accountability, no receipts, no backup was it held. And then a lot of the issues, the feedback, obviously when we finish you have the last call. One of the most common calls you make is well, if we give the moneys without a lien to the homeowner, they are going to probably tomorrow sell it and make a profit. But when it comes to giving moneys to festivals, there's no issue about whether they make money or not. Again, these are the same moneys, these are the same dollars. They don't change. So we don't feel it's fair that homeowners who were the genesis of these funds be treated in this manner

which, in our opinion, is unfair. With meeting with staff, we have learned that a lot of the repair is a far cry from the \$10,000 grant. We have learned that the majority of the home repair is foundations. Because of the number of years the vibration of four generators running, a lot of these homes built in the 1940s, THOSE FOUNDATIONS Gave out. We also have the issue of health. So again, it's very confusing to try to find out the rationale in why out of these funds one part is no accountability and yet the other is we have to put a 10-year lien. When again, it does not apply to festivals or to other programs. And if you look at the cultural program awards -- [buzzer sounding] -- a lot of them have earned more than that. So we ask you for your consideration, mayor, and to revisit and remove any liens to these awards to homeowners. Thank you.

Mayor Leffingwell: Thank you. Next speaker is lela castro. Welcome. You have three minutes.

My name is lela castro and I was -- grew up at 2221 holly street, which is right next door to the holly power plant. I experienced four years of living next to the holly power plant prior to being closed. No one really realizes every that the people -- the people were prisoners of the holly street power plant. They couldn't raise their windows because of the noise. A lot of them didn't have air conditioning. The windows rattled, you couldn't carry on a conversation, couldn't sit on the porch because of the noise. About three years ago, 9-11, ex cruciating noise came out of the power plant. We started screaming let's get out of here. That was human error. That was just one i experienced but the whole community experienced many. And these people have gone through a lot for 30 years and there's no doubt that the other money that y'all issued out to these other people needed it. Anyone that's involved with anything in east austin does need help to help the community out. We have no qualms, but then the rest of the money that is left in the pot, these people should not have a lien on their homes. I'm the one that told them don't take that money. It's better to have a little old house with no lien than to get a roof or something done to your house and they slap a lien on your home. Please don't get the money. Well, they weren't taking it. So what happened, the money was there and it got issued out to other organizations. Which is already done. We can't go backwards. When the other council was in, ralph whatever his last name was, he gave a press conference and he said we're going to close the power plant in '07 instead of '09. I told him that's like giving a baby a pacifier to keep their mouth shut. That's what he did at a press conference. Ralph whatever his name is. I told him you've just given the people a pacifier to keep them quiet so there's not a class action suit against the city for all they've been put up. Then here comes toby the city manager and she comes and gives a great big nice continental breakfast on the premises of holly power plant and says, you know, we do offer a million dollars to the community to help them with their homes -- [buzzer sounding] -- and I told her a million dollars to the whole community for what they have put up with is nothing. So I ask of you, please reconsider.

Mayor Leffingwell: Your time has expired.

The lien on the houses, she lives in san antonio.

Mayor Leffingwell: Thank you.

Reporter: Knows nothing about east austin. The next speaker is ramone maldonado.

These are the people she said cannot -- she wants to keep them in the houses and th why the lien is there. Where can these people go? They have no place to go. [Applause]

Mayor Leffingwell: Same topic. [Speaking in spanish] council, these are the people who suffered through the holly power plant. It's called mitigation funds and is called the holly good neighbor plant but they haven't been good neighbors. You know, I mean, you know, we expect you as leaders, republic, democrats, tea party, I don't care. Get this stuff right. Work together to help the people. Especially you, sir. I mean what legacy going to leave, people going to think when -- 15 years ago broke some of these deals. Some of the other councils over the years say they are going to do something. You talk real eloquently and real nice when you want the vote, but when it comes to seniors or elders or world war ii

veterans, korean veterans, some are vietnam veterans, you say you think about veterans, well, if it wasn't for some of these veterans back in world war ii, you know, all I ask is, you know, treat them right, you know, give them something. They work hard for what they got. They got houses that are pier and beam that they need to be founded and it's not going to cost 5,000, it's going to cost about 10,000 to rebuild the beams and stuff. I have a house that belongs to my mother on 1,000 willow and I remodeled the inside, me and my brothers. It cost me more than that to gut it, put the plumbing, the electrical. Come on you guys and ladies, help these people. Thank you.

Mayor Leffingwell: Thank you. [Applause] next speaker nuria zaragoza. Well. I hope I pronounced your name right. Close?

Better than most. I signed up to speak today and I learned two hours ago that I shouldn't have. I wanted to speak on something that is going to be on the agenda tonight and someone told me I wasn't supposed to do that. So --

Mayor Leffingwell: I'll give you latitude.

So my name is nuria zaragoza and I live in the university area. Item 127 on your agenda proposes to clarify the original intent of the occupancy ordinance. The amendment would not change occupancy levels, it would simply close a loophole. Because a potential for profit for rentals in our neighborhood is so great, property owners are tempted to find loopholes or to ignore the code altogether. The majority of owners willingly complied with the code. For that reason I urge you to vote for the amendment tonight. However, I also ask you to think about the minority of owners who ignore it. And the reality is that today the code compliance department does not have the tools to enforce occupancy. We saw with 1915 david street, the single-family development that brought about the proposed amendment, that even in the cases where the hard-working code compliance department is able to make a case and assess fines, the fines are difficult if not impossible to collect. In that case \$60,000 were forgiven. And after the ordeal that was ensuring that 1915 david did not grandfather an increased occupancy, the property owner is going to build a project that will have the capacity to exceed the legal maximum. It is possible that he truly wants to make sure that occupants have a separate study with a closet and that the occupants have a separate game room with a closet, but it's also possible that he's banking on the likelihood that they will not be consequences for exceeding the occupancy limits. I know how unpopular it is to speak against the city so I took some -- density so I took some pictures and I hope your site is good because I'm not sure I can post these anywhere, but overoccupancy in an old neighborhood creates crowded streets that are difficult to maneuver. The streets are narrow, there's cars everywhere. And as you can see here, this is really common where the cars jut out into the sidewalk and you can't maneuver on sidewalks. This was just a random day. I'm sure if I really combed the neighborhood I could find better example, but this is a semi permanent pile of trash blocking the sidewalk. There's things you can't photograph like the noise and then things that are just an eyesore that brings down sort of morale when you are trying to walk your kids or the dog. But this is really common to have cars parked over whatever space it can find in a yard. Anyway, so I ask you to support a loophole-free occupancy ordinance -- [buzzer sounding] -- but also to work with staff to make sure they can enforce it.

Mayor Leffingwell: Okay. Thank you. And those are all the folks that we have who have signed up to speak and were present. So without objection, the city council will go into closed session pursuant to section 071 of the government code for consultation with legal counsel to take up four items. Item 88 concerning multiple vendor postings, item 99 concerning a proposed settlement with austin filter systems, inc, in connection with the green water treatment plant decommissions and the deconstruction project. Item 100 concerning the time warner cable franchise. Item 1010 concerning the reit -- 101 concerning the restraight loan agreement or the tri-party agreement between the city of austin, urban renewal and the city of austin and the austin revitalization. And council will go into closed session which allows discussion of real property to take up one item, item 98 concerning the lease or purchase of a site in austin, texas, for stables and associated facilities for the austin police department. Is there

any objection to going into executive session on the items announced? Hearing none, council will now

Mayor Leffingwell: We are out of closed session. In closed session we took up and discussed legal issues related to items 88, 99, 100 and 101 and discussed real property issues on item number 98. So council, we will return to our consideration of the briefing, council questions on the briefing on the airport design item. And who is first? Councilmember morrison.

Morrison: Thank you. I do have a question, it will be one question for the finalists. We are assuming that property values are going to go up and that's going to help us pay for the new structure and all. The flip side is it becomes more expensive to run businesses on the airport corridor and likely more expensive to live in the adjacent neighborhoods. Which then, of course, that's the challenge that we always have. So I'd like to hear about ideas of how to do that so that long-time businesses will still be able to be part of the corridor and long-time residents will still be able to live there or maybe even their children without it becoming a high -- being priced out of the neighborhood.

The order of response for this question will be design WORKSHOP, McCANN ADAMS AND Then gateway planning group.

Excuse me. So in some ways that may be referred to as the gentrification question. You redevelop a corridor and then end forcing out the existing businesses or the existing residents. And yes, I think many of the public finance schemes would solve some assumptions the property paralysis would go up and be captured. One of the things we've discussed is many of the corridors, this one in particular, are often time overretail. There may be more retail square footage there than might be supported by the market and therefore you will tend to have modal redevelopment which would mean the intervening pieces would remain in their current position for some period of time or at lower price points for rents and so forth. From a retail point of view, I think it's possible that you are really talking about the long-time rise in rents occurring in the catalyst projects that you would begin with. Secondly, I think that one of the things we've actually discussed in our team is that a key strategy for the redevelopment is to take Austin's very successful business incubator program and use it to assist businesses that are in the corridor rather than one of the other questions about how did this relate to Mueller, rather than existing retailers being replaced by national brands and things of that sort, that a key part of the strategy might be to help strengthen existing businesses and/or incubate existing businesses out of existing neighborhoods. And then some component of affordable housing, whatever form that might take I think would be critical to the process. The river front park example in Denver, which was really Denver's first form-based code, a sizable portion, 15% or so of that project included a form of rental or for sale derestricted housing. So really making sure that market might be defined or housing might be defined as what can be sold in the broader market but what are the housing needs of the people in those existing neighborhoods in trying to design to that standard I think would be important part of it.

Thank you. The question is a very good one and it's a very challenging one. It's one that you deal with -- we deal with on a citywide scale as well as on a project scale. Gentrification and property value appreciation is something that is somewhat inevitable, but the tools that can be brought to bear to mitigate that, Austin has developed some very innovative ones. Business incentives are one, working with the business owners along the streets can be very important. We have the opportunity on airport boulevard in that there are a lot of very small parcels, a lot of small entrepreneurs who have been very innovative, and it's going to be very important to maintain those as part of this whole program. Affordable housing, again, at Mueller what we have done there is instituted 25% affordable housing requirements. This is a little bit of a different situation. But bringing nhcd into the program and making sure that we have proactive means of promoting affordable housing is going to be also very important. I think that as we plan the improvements of the boulevard retention of small businesses and appreciation of the surrounding neighbors and the affect of the improvements is going to have to be paramount. We are really talking, I think, about incremental measures that will have transformative effect but not measures that are going to have a large impact in terms of relocating folks. So I think that it is a very challenging issue that you're bringing up. It's one that we have to be very proactive in dealing with both

at a citywide level as well as the project level.

Councilwoman, I think one of the challenges in the coding process itself is to make sure that the types of buildings and the relationship to the other existing destinations and future destinations are set up so that it's easy for a developer to accommodate small business and have different rental rates both for commercial and residential. And I think that's possible in the airport boulevard corridor because it's not overpriced yet. And I think if you can give through this initiative the opportunity for immediate yam and smaller developers to come in and do very modest scale development early on and keep the small businesses in place, that will then grow a different kind of dynamic as opposed to looking for the big magic bullet developer to come in and aggregate land and take big chunks and then they are forced to go to the highest rental rates to cover the cost of that particular approach. That's going to take probably a process, an engagement with the city -- you know, that most cities have never figured out yet. And so I think if we program that at the beginning of the process and the coding itself and in terms of policies with the different departments and ultimately what glenn wants to address in terms of engagements with stakeholders, I think there's a development community out there that hasn't been tapped that aren't able to play yet, and I think if we provide them the opportunity to come into this market, you might see some may charge different prices for the project because they compliment each other and there are different scales and different opportunities.

This is going to be just one of many really hard issues that are going to have to be struggled with on airport boulevard. And one of the reasons that we put together a strong team for engagement as we did this isn't just about bringing people together to give an opinion, this is about redevelopment. They are the ones that are going to redevelop, the property owners, the people using the corridor, the neighborhoods, they are the ones that are going to do this over the next 15 to 20 years, right? So part of what has to be balanced out here is what do those people want to own, how fast the transition is, what does it look like, and those are going to have to be worked out or negotiated agreements between the property owners, the development community, the neighborhoods, the people that have an interest in locating there, the small businesses that could be incubated there, all of those have to work out the exact deals. There are a lot of tools that can be used for value capture for, you know, getting public investment, et cetera, as well as using -- you know, leveraging public side investment for affordability and all of that. A lot of tools. Thank you.

Mayor Leffingwell: Further questions from council? Councilmember cole.

Cole: I have a few questions for staff and -- okay. My biggest question is that i think it's always very hard for us to ultimately make our big signature projects real because we don't spend enough time thinking about what they are going to cost. So can you briefly describe to me what type of market analysis or economic analysis work was done in connection with mueller?

Councilmember, I am going to have to defer to some staff who are more familiar with that. I know earlier we had -- we had looked at having staff come in, I believe I see rodney gonzalez coming down right now so I will defer to him on that question.

Hello, council. Rodney gonzalez, deputy director economic growth and development. The financial analysis you are referring to, it was a process that occurred before the mda was signed and it involved, of course, city staff and the developer going through the pro form answer for what eventually would be the mueller redevelopment project. So there was a lot of analysis put forward into what the cost of infrastructure would be, what the property values would be and what the sales tax revenue would be for the mueller project.

Cole: And at what point in time was that work done?

That was done during the course of the negotiations. So city staff and the group both worked hand in

hand in developing the proforma.

Cole: That was after the developer had been selected.

Yes.

Cole: Let me ask you something else. I know there is a t.i.f. Related to mueller and there's also another type of funding mechanism, isn't there?

Actually it's the tax increment financing district as well as the chapter 380 that converts the sales taxes.

Cole: Okay. Can you give us some kind of indication of -- I'll basically say profitability, of how mueller is doing right now and how long actually been not upside down I guess is the best way I want to describe it in a positive cash flow.

Okay. Back in 2006 there was \$12 million of sales tax debt that was issued and that sales tax is covering the debt that was issued. Most recently last year in 2009 there was \$15 million of property tax that was issued and that debt is being covered by the property tax. Jeff is here as well. There was a short time period at the very beginning where the sales tax wasn't sufficient, but that isn't the case right now. It is sufficient to cover the debt.

Cole: I know mueller was different because we actually own the land and we had to go in and do considerable amount of remediation work so it's kind of apples to oranges to what we are talking about here but because it's in close proximity and similar to the type of development we've seen demonstrated here, I'm wondering if you guys will do any type of analysis in connection with this project before the contract is actually awarded as in what you think it would generate even though that would not be done in connection with the actual developer who was selected.

Are you talking about the mueller redevelopment or airport?

Cole: Airport -- even, rodney, I'm trying to get an idea of -- I know we do long-term infrastructure plans. Do you -- and I guess maybe this is assistant city manager question and I didn't realize that until I started, but i know we do those type of analysis. Do you have any idea of what we're anticipating here with the full recognition that more would have to occur if the developments that we've seen demonstrated happens?

I have not been involved in the airport redevelopment project so I suppose someone from that team would come forward.

Cole: Okay.

Councilmember, in the -- in the scope of work for the airport project, we don't have a detailed analysis of the infrastructure capacity and requirements to support whatever comes out of the plan. We are asking them to identify kind of a strategic set of infrastructure, potential infrastructure investments that could help kick start the redevelopment. To my mind, the -- that detailed analysis about what would be required and whether the city would choose to invest in that would follow the planning process.

Cole: Okay. George, I'm going to put you on the spot here and i apologize up front, but in my mind, y'all have a lot of projects that we have charged you with and not just this council, previous councils. Can you give us just what you are spending I don't remember time on, the top five projects? And don't mention waller creek. [Laughter]

that would be five and a half. Well, you know, it varies over time, but right now we're spending a lot of time on the downtown plan. Riverside, east riverside is still going on. There's a bit of a lull with waller creek right now, but it's going to be picking back up in the next few weeks and months. We're also working -- spending a fair amount of time on the design standards, amendments, subchapter e amendments that will be coming up in the next few months.

Cole: Do you have any staff on the comprehensive plan?

Not within the area I'm overseeing.

Cole: But we have some staff.

Yes, absolutely, within pdr there's a number of staff who are devoted to the plan.

Cole: Is only ronnie ask that question is because i want to make sure we get you on the agenda for the comprehensive planning and transportation committee so that we give you more direction or recommendation to the full council about our priority of projects, and then we also need to start thinking long term, and I'll ask the city manager to do that, of how we're going to fund that. mentioned a number of times and certificates of obligation and these things just kind of get thrown out there as possible scenarios and I think we need to think in a more strategic long-term manner about how we're going to do these things and put some priority to how you are spending your time. And that's not to say that i don't believe that this project should be given a high priority, I just think we need to -- we need to say that if that's what we intended to.

Understood.

Cole: That's it, mayor.

Mayor Leffingwell: Further questions by council? If not, thank you very much. Sorry for the delay. And we'll go on to our next item. Before we go to our second 30 briefing, council, we will pick up three items from this morning's agenda often the first is related to a briefing we just heard. Item number 39. There are no citizens signed up to speak so I'll entertain council discussion. Councilmember riley.

Riley: I appreciate all the discussion. It is a lot of money that we're talking about. I think we need to bear in mind, number one, the scale of -- and significance of the project that we're talking about. We're talking about rethinking our approach to -- rethinking our approach to development, especially on corridors. And in going through this, we're not only envisioning a different feature for that corridor, but we're also including in the project the coding that would actually make it happen. In the past we've done a number of planning projects where we would hire a planning team to come up with the plan and that would be it. Then if we wanted that to result in code amendments, we sometimes would go out and have a whole other contract, hire another set of consultants for an additional and get them to come in and try to translate the previous effort into city code. This combines all of that effort into one cohesive process and if successful could really provide an effective model for how we could approach redevelopment on -- on our corridors throughout the city. So with all that in mind, I'm pleased to recommend approval of item 39.

Mayor Leffingwell: Motion by councilmember riley to approve item 39, seconded by the mayor pro tem. Is there any discussion? All in favor say aye.

Aye.

Mayor Leffingwell: Opposed say no. Passes on a vote of 7-0. We'll now go to item 86 which I pulled

because I have a question or two from the law department.

Mayor, the assistant city attorney will come forward and answer any questions you may have.

Bret Lloyd, city legal.

Mayor Leffingwell: Yeah, this is a resolution basically directing the city manager not to approve any site plan or building permits for city buildings, et cetera, et cetera, until after the design commission reviews the proposed project. So I just wanted to make sure that we are not inadvertently bestowing any kind of sovereign power on the design commission by doing this. That's one. Number 2, are we potentially creating a situation where -- and I don't think this exists anywhere else in the city where a board or commission has theoretically the ability to hold up a project indefinitely.

No, mayor, in response to your first question, the -- the commission's role would be purely advisory. The effect of the resolution is simply to require that their review occur earlier in the process so that it can potentially inform decisions staff would make on alternative compliance.

Mayor Leffingwell: Theoretically here, I'm not saying anybody is going to do this here, but theoretically, the design commission could refuse to review, object their agenda and they vote to postpone it on and on and on and on. The way I read this, the city manager could never approve it.

I think that the council could address that concern through the addition of a single sentence to the resolution that would state something along the lines of, you know, failure or inactivity by the commission, failure of the commission to timely act on a request for review does not preclude staff approval of the project.

Mayor Leffingwell: So then if after presumably councilmember riley makes a motion to approve this item, i offer that as a friendly amendment, could that be done and we would be done with this?

Absolutely. That's within the scope of your posting. And to more clearly directly answer your earlier question, nothing in the resolution before council would -- would bestow sovereign authority on this commission.

Mayor Leffingwell: I believe even for example the planning commission is required to review ordinances that relate to the code -- land development code, but they can't do it indefinitely. I believe it's 90 days that they have to consider something like that. So I think with that, that's all the questions I have.

Thank you.

Mayor Leffingwell: Councilmember.

Riley: Mayor, I just wanted to add one note and that is that this resolution is a clarification of a resolution we passed back in november of 2007, which spoke to the design commission's review of projects under the [inaudible] design standards and mixed use ordinance. That resolution says in this last paragraph city staff shall present plans for all municipal buildings and associated type developments to the design commission to ensure they demonstrate compliance [inaudible] and that this presentation take place early enough in the development process to enable incorporation and improvements that resulted from this consultation. That is what we approved in november of '07. Unfortunately we had an experience recently where the design commission was asked to review a city project after staff had already granted -- made some administrative decisions to grant alternative compliance with respect to the commercial design standards, which was the very basis of that resolution back in '07. So this is just an effort to emphasis that we really need to get those projects before the design commission before those decisions are made so that the design commission can actually have some influence over those

decisions. That was the spirit of the '07 resolution and this is just simply a clarification that we really mean that.

Mayor Leffingwell: I understand, councilmember, but this is a little bit stronger. It directs them not to approve, and I don't have any intention of trying to interfere with the intent, I just want to add the clarification that it can't be done indefinitely.

Riley: And I would consider that a friendly amendment.

Mayor Leffingwell: Move approval. Seconded by councilmember morrison, and I'll make my friendly member as the proposed language by the assistant city attorney to ensure that will not be an indefinite delay.

Riley: I'm not sure the wording is exactly right. I think staff may need to tweak that wording a little bit. Staff mentioned something about proof of the project and that's not what we're talking about. Decisions relating to the project.

Mayor Leffingwell: Counselor, would you care to clarify this for us?

I know that we have similar provisions with respect to other commissions where review is required and we can certainly model some language after that. We could also include I think what I had suggested earlier was something along the lines of failure of the commission to timely provide review and recommendation does not preclude staff from approving the project.

Riley: Typically staff isn't approving a project, they are -- that's just sort of like decisions made in the course of the review of the site plan. It doesn't entail approval of the entire project. So decisions relating to the project might be more appropriate.

Mayor Leffingwell: Is that acceptable?

Riley: Yes.

Mayor Leffingwell: So any further discussion? So the motion with the additional language to reflect a concern I iterated was on the table. All in favor? Opposed say no. Passes on a vote of 7-0. We'll go to item number 88. And we have no one signed up to speak on item number 88. And so the floor is open for questions or discussion from council or a motion.

Spelman: Mayor, I have a motion but I would like to add a couple comments first.

Mayor Leffingwell: Councilmember spelman.

Spelman: This is a very limited resolution aimed at dealing with a very limited problem. We have approximately 80 issues before the council on this agenda where we are procuring goods or services on the open market. And a large percentage of those cases that decision is made for us by state statute requires that we pick the lowest responsible bidder. Those cases city council or the staff for that matter have very limited discretion. If it's a responsible bidder we get the lowest bid and we're done. For some of those cases, however, request for proposals, request for qualifications or best value bid situation, the city council has the authority to pick any of the responsible bidders. The staff does a tremendously good job of looking over all of the bids, selecting those which are responsible from those which are not. Grading the responsible bidders on a matrix based on the elements of the solicitation and then providing us with a recommendation, which we almost always take. Very occasionally, not last week, certainly not today, maybe not two weeks from now, but very occasionally we choose to pick something other than the first recommendation of staff. And it's always for very good reason based on our own view of how

we would value each of the proposals on the elements of the solicitation. We're not post to do take action on anything other than the staff recommendation, that means we would have to hold over our decision until the next city council meeting. Right now it is almost 3:30. We started this council meeting at 10:00. If we had taken up an item like this on the agenda, it was on the agenda in the usual way, it's somewhat controversial item and we have to go through hearings and executive sessions and some other issues second and pick 30, that would mean the city staff people dealing with this issue, any vendors affected and any interested citizens would have to have sat around in chambers or outside for five and a half hours before we would have had a chance to bring the issue up. If we then do not have a chance to resolve that issue on the day it's posted and have to hold it over for the next council meeting, we might have to sit for another five and a half hours before we finally get to it then. And purely in the interest of making this a whole simpler, cleaner, faster process information everybody, the resolution only calls for a very small change that the posting language allow the city council to choose any of the responsible bidders for the situations where it already has the authority but rarely chooses to execute it on the day in which that issue first comes up. We have before us an estimate for the amount of additional staff time that may be taken up by that, and byron, i wonder if I could ask you just a couple questions about that. Given all we're asking is to change the posting language, if we did not -- I understand that when you -- the staff recommendation was issued, you describe the qualifications of the staff's recommended vendor. That you provide some limited information as to the scoring of matrix on the far right-hand column of the scoring matrix, and that you contact that vendor to let them know that they have been selected as a staff recommended vendor and the issue is coming up on a particular thursday so they can be here if we have any questions. Did I understand you correctly?

Byron johnson, purchasing director, correct.

Spelman: One possible approach to our changing posting language could involve, example, calling up all the responsible bidders and letting them know council might approve any of you guys, providing us with a lot more information about the staff's decision-making processes and looking through the qualifications of all vendors and putting that all in backup, if I understand it it would involve an enormous amount of staff time. Is that right?

We estimated another 10 hours per solicitation. Contract and land management does about 100 annually, about 20 of those would fall under this. Purchasing on goods and services does about 300. About 120 would fall under this annually. [One moment, please, for change in captioners] mayor, with that in mind I move approval of this.

Motion by council member spelman, second by mayor pro 88, and I just have one quick question, council member. The posting language in the resolution in no way precludes the city manager selecting to modify the posting language in a generic way. All of the following items may be -- maybe council may select someone other than the staff recommended. That's an open issue with you, correct?

That would actually be my preference, the simplest possible means of posting this so that we would have that authority. Authority.

Mayor leffingwell: okay. So with that additional comment, hoping to guide you in the construction of the posting language, I will also support this and i will -- all in favor say aye.

Mayor? I have a question. council member shade? yeah, I have a question. I appreciate the effort on this and we've had some good discussion on it, and -- but I have a -- I think we talked about the resolution that's currently posted has a pretty --

there's a word missing. If you'd like to add the word please feel free.

Shade: actually. I would just strike that paragraph because I don't think -- I mean, it reads correctly, and I don't think it matters that much to the substance of the -- but basically colleagues on the third whereas,

it's written in a way that council member spelman agreed when we had a conversation -- I think there might be some missing words or some strangeness in the way that it was crafted, but we would not want to be suggesting that council -- when procurement involves a matter of public importance whereas staff does not weigh in when it's issues of public importance. Clearly it is our public responsibility that we make the best decisions possible and if we just struck that i don't think it changes the substance at all and I think it would -- you know, it would better convey what it is we're trying to accomplish. so if your amendment it is to just simply strike the third whereas, I regard that as highly friendly.

Shade: great.

By the maker, second? Accepted by the second. So the motion is modified to strike that paragraph, that particular whereas. Council member shade? I have one other suggestion as a minor that i thought of in rereading this, could we insert the word in the second, whereas council has the discretion to [inaudible] the responses independently from staff, i would like to insert the word and the responsibility -- we have the discretion and the responsibility, and I think that also a little bit more reinforces what it is that we're about here. Accept accept ed by council member spelman and by the second. mayor, I have one question. council member cole? first I want to say that I also agree with your statement that it would be way easier to just make a complete statement up front about the fact that we have the responsibility in connection with contracts. And then I want to byron, do you have any idea of the approximate number of contracts that we approved in a year?

Yes, I do. I have ballpark numbers. Again, as I said earlier, based on the last 12 months contract and land management was approximately 100, and the goods and services sides from purchasing, approximately 300, of which 120 would be applicable to this resolution from our side and about 20 from the contractor land management department. and of that 140 number --

140 total. -- how many did we disagree with staff?

Three. and of those three how many were actually a I'll tell you because I actually recall.

Thank you for your help. you tell us, council member. I think that was only two out of the three, and I bring up the split vote part to let you know that we were struggling with the disagreement of staff, so when we say that it is rare that we disagree with the recommendation of staff, the statistics prove it. So we are not in this resolution trying to make a whole-scale change of policy, because that would be totally inconsistent with what we have done before.

Okay. all in favor of the motion say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. 30 briefing on social -- the social service contracting process.

Good afternoon, mayor, council members, I'm david lurie, director of health and human services and I'm really pleased to be here today to provideou with this briefing on the work we've been doing related to the social services contracting process. This is really a culmination of a lot of work of staff, working with our public health and human services subcommittee, our various stakeholders, and we're really, I think, in a very good place right now to offer you some recommendations in terms of going forward with a comprehensive, competitive rfp process for our social services investment. Although over the years we have competed contracts from time to time, we have not really had a comprehensive competitive process for social services for over a decade. And that's not to suggest that the investments we're making have not been effective and useful in the community, it's not intended to be necessarily criticism of where we are currently, but we believe a great opportunity to sort of refocus what we're doing in

terms of the city's priorities and also engage all of our social service partners and perhaps some others in the community that have not been involved to develop some new and creative options for addressing the priorities that we're recommending. And overall the recommendation is that we proceed with an investment strategy in which we contract for services that promote self-sufficiency, and there are five goal areas within self-sufficiency, and these are reflective of the city's comprehensive plan, and I'll talk a bit more about those -- those five goals. The recommendation is to focus on promoting and sustaining self-sufficiency to individuals and families as or below 200% of the poverty level, with some exceptions, excuse me -- exceptions such as victims of also the elderly and disabled. The request for proposals needs to be broad enough to encourage innovative strategies and partnerships, and we're also recommending that there be a separate process for a few categories of our funding, but again, focused on the overall self-sufficiency goal and the subgoals associated with that. Those exceptions would be a separate rfp process for the planning and administration related to social services. Currently about 3% of our social services budget, which is a little over \$18 million, is used for community planning related to social services. Examples include community action network, the ending community homeless organization and some planning dollars for integral care, which is the mental health authority, and what we recommend is that we open that up. There are other entities in our community who have expressed an interest in participating in the community planning for social services, but again, those proposals would be looked at in the context of how they inform us, provide information, data, planning resources associated with the soaferl objective of pro -- overall objective of promoting self-sufficiency. OTHER SEPARATE RFPs WOULD Include those for hiv services because we use these dollars as matching dollars for very large federal grants that come into our community, and we have a maintenance of effort that's required for that federal support. Likewise, our child care, subsidized child care funding, we have a partnership with the work force agency, and they're able to leverage those local dollars two to one, federal dollars matching every dollar that we invest locally. And then finally we recently competed the contracts for the austin resource center for the homeless and to the women and children's shelter, so we would recommend we proceed with those -- those processes separately. The self-sufficiency goals, again, I'd just kind of summarize these. There's a lot more detail in the draft rfp, which we've also provided to you, and of course within the comprehensive plan itself. Those include safety net or infrastructure services, ensuring basic necessities and legal rights, secondly transitioning out of poverty, provision education and employment, other services to transition help families and individuals transition out of poverty. Problem prevention, those kinds of activities that deter the growth of problem conditions at the individual or community level. Universal support services, family and societal support services. And finally enrichment, that is encouraging personal development and community enrichment. And I would point out that these goals, as per the recommendation from your public health and human services subcommittee, are in priority order. In terms of the score process, and we provided you, there is a one-page document that you-all should have today. It is a scoring matrix that we would propose using in terms of reviewing proposals. The scoring process is twofold. First would be a threshold requirement, and those are the basic minimums that every organization or agency must meet in order for their proposal to be considered, and those include such things as an active board of directors, their fulfilling irs requirements, they've had an unqualified audit previously, they're able to obtain fiduciary bond, have at least two years of operational experience. So those are just sort of threshold expectations or requirements, and all of our current social service agencies would, in fact, meet this threshold. And then the next level would be the evaluation of the proposals themselves. The scoring matrix we'll go into a lot of detail on this just to kind of give you a general perspective. The bulk of the scoring per proposal is related to connecting to the goals and being able to demonstrate in terms of target populations program strategies, outcomes, performance outcomes to be achieved, that the proposal would be scored in terms of a connection to the five goal areas, and as I indicated, those are weighted currently in terms of the proposal. As this has evolved, the point spread in terms of that weighting, has narrowed. We've had a number of options as we've gone forward with this, and we also include a provision where if once you declare your primary goal area, you can also identify a second and third area and get additional points for that, and we believe that by the point spread that we have proposed and by the opportunity to propose multiple goal areas we have -- we are more likely to assure a good mix of investment and proposal across the goal areas, and this is something that the subcommittee discussed at length. In addition to, then, the bulk of the scoring related to the goals and the strategies and the programmatic aspect, we also have two additional categories of scoring, one related to cost-

effectiveness, some of the examples you see here, leveraging, budget, cost to achieve the outcome, and then the final as related to the overall capacity of the organization, their experience, their financial capacity, for example. We have some examples of outcomes, which again are included in the draft rfp. I don't have these in front of you today, but they include, just as some examples, percentage of clients maintaining housing through basic needs, percentage of clients transitioning to stable housing from homelessness, percentage of clients whose household income increases, percentage of clients who report having maintained abstinence from substance abuse after 60 days, percent of children and youth who progress to the next level of academic or developmental progress, and percent of clients who achieve projected mental health or developmental disability outcomes. These are some examples. One of the things we're going to be doing over the next week, as per, again, the guidance from the subcommittee, is we're going to be reviewing the outcome measures with the stake holders, specifically one voice which represents the social service contractors. They are meeting on monday afternoon to review this and we hope we have some feedback for you on this next week, and when we're scheduling action by the council at the meeting next thursday, so we'll provide you some additional feedback from that part of the process. Just to give you a sense of the dollars that are involved in this, as you can see, I mentioned earlier about 18 1/2 million dollar investment in social services. When you back out of sickle cell program, for example, which we feel is a public health program and we've actually reassigned that to the public health and community services division. I mentioned the hiv. The resource center for the homeless, the women and children's shelter, the direct child care and the administration planning, leaves us then with a net of just over \$13 million that would be part of this competitive process going forward. The timeline, as indicated, we'll be coming back to council for action n week. It would be our intent to issue the request for proposals in october, have that open till january, the no-contact period of course would run during that time. In april we would come back to the public health and human services subcomple to review the -- committee, to review the -- provide the scoring and give you a sense of the mix of potential investment at that time, and then we would follow up shortly after that with our specific contract recommendations, naming contractors, and then for council approval in may of next year with the new contracts to be effective in october of 2011, and it's recommended that these would be three-year contracts with two one-year renewals, so a potential of five years, and we feel that's important in terms of continuity of services. Finally, we had a lot of conversations about transition planning and making sure that we don't have any negative consequences of this, and transition, I think, can be an issue in a number of ways. There have been some discussion about maybe some programs or seaghts that might experience reduction in fund -- or agencies that might experience reduction in fundings, but likewise if we see repurposing, redirection of services, in some cases enhancement of services, we need to address the transitional issues associated with that as well, so I think it needs to be very comprehensive. We want to focus on some of the primary factors associated with the transition, potential impact on clients, the impact on programs or agencies, and then the possibility of maybe some transitional funding, and we've built into the rfp the fact that the city has the right to, again, depending on how many transition is required, to maybe phase in some contracts, not go with the full 12 months, for example, the first year, but again, these are all variables that we will not have a clear sense of until we see the proposals, go through the process and can evaluate them on a case-by-case basis. So it would be our intent to do that along with this, soars, we want to have a very good communications -- of course we want to have a good communications plan. Throughout this the stakeholders have been engaged, they've been informed. We've sent them notification where we are with the process, that we do anticipate a change. If you approve proceeding with this it's our intention to conduct meetings in the month of october to clarify for everyone involved what these changes represent, what they can expect. I believe that council members shade and morrison are planning to, as the city representatives on the community action network, to brief them as well, and you have other funders at the table there, so that makes sure that they are informed as well. So again, it would be our intention that in april when we come forward with the recommendations we would include along with those recommendations a transition -- transition plan. Again, just want to acknowledge the good work of staff. It's been a very close working relationship also with the purchasing officer, with the subcommittee, and again, we're pleased to present these recommendations to you today. Thank you. thank you. Any questions? No questions? Council member morrison, and then spelman. Okay.

Spelman: thanks. We've got five categories we're talking about using for this matrix. We've been spending something like 10, 12 billion per year on this general item. I wondered if you had an opportunity to go through our previous spending patterns and divide them up among those five categories.

Yes, we have, and it's -- it's very interesting. We did not have this information available when we talked with the subcommittee, and I would qualify this information by saying this is sort of a general look at what we're doing, and again, in this process proposers can propose across categories, and we did not attempt to do that, council member spelman, in looking at these rough numbers. We just sort of categorized, you know, contracts within one single goal area, so it's a little -- a little rough, if you will, in that respect. I imagine a lot of the contracts would actually transcend the categorization, fit into two or three different places.

Yes, they definitely will, and we anticipate that with this process. But all I'm saying is in trying to quickly analyze our current contracts, it's not quite as clear because they're not structured that way, but it is very interesting because -- and this is looking at the 13 million, you know, netting out the others that I talked about as separate, and, for example, in group 1, the highest priority category, it would be 37.5%. In group 2, 29.8%. In group 3, 23%. So in the top three categories alone nearly 90% of the current investment. The go-forward drops off 3%, and goal five bounces up to 8%. But again, I really want to caution you in terms of these numbers because we're making a lot of assumptions and I think there is a good bit of cross-over among these goal areas that we would better be able to identify if we move toward this process that we've described. what -- especially with this -- in light of this is new information. I don't think any of us have heard this before. It's actually real helpful. Do you have a sense for how our shift from our current PROPOSAL -- WELL, THE RFPs Right now -- our current situation, how is that going to affect the percentage -- percentages associated with each of these five categories?

We're not presetting any dollar amounts or settings by categories, so we'd be in a position to evaluate that one when we get the results. I guess what I would just say simply in looking at these numbers again, as rough as they are, is that the way we are invest engage many respects looks to be pretty consistent with these goal areas and the priorities.

Spelman: thank you. council member morrison.

Morrison: thank you. I want to thank you, david, and the staff. This has been a long haul, and I want to thank my colleagues on the committee, council member shade and mayor pro tem martinez and one voice -- all the folks that have taken part in this, also the folks that were participating on the task force. We had -- discussion group, which is a working group that included folks from one voice, that included folks that had technical expertise in doing resource -- optimal resource allocation, which this really is sort of an engineering problem, as well as policy folks and the staff. So it's really been a long haul and we've made -- we've made a lot of progress. And it's important that we get it right. So -- and purchasing as well, I see byron in the back there. I did want to make a couple of comments in terms of where the committee got to. We were almost unanimous on everything in terms of the recommendation that's coming forward. I am still intending to do a little bit of work on the actual setting of the weights, because I think that it would be good to scope out some examples of how that works out. I want to make sure that we've got a fair process there that adequately reflects our -- our priorities and allows us to come up with a real workable solution, and we haven't really had a chance to play with those numbers yet, so i intend to do that. I do -- one of the biggest challenges in this -- well, let me just say, one of the biggest goals in this was to open up the process and provide transparency to the process and accountability, and we've got that -- we've got a good start on that with the scoring of the matrices. The second step after we've evaluated all the matrices is not necessarily just to put them in rank order -- i mean, we've evaluated all the proposals. It's not necessarily just to put them in rank order and start at the top and say, okay, fund this one, fund this one, all the way down x, whatever it is, and we've run out of money, because we may end up with a lot of duplicate services. So there has to be some amount of massaging and putting together the proper portfolio that's going to be recommended by staff. And I did want to

point out, david, on your timeline slide where it april 19, 2011, the subcommittee reviews evaluation matrix. It's not just the evaluation matrix at that point. Isn't it going to be your actual recommendation of the combined portfolio?

Byron johnson, purchasing officer. Yes, that is the intent to have that at that time, so that will be in there. Also, as per the directive of the -- of the subcommittee, we have added in the rfp that the city council has directed that final contract decisions be consistent with the goals of the comprehensive plan. We intend to emphasize exactly what you mentioned in the proposal conference so that everybody is real clear, again, and this is -- as the city attorney office will tell you, this is covered under the health and safety provisions of the social services, so you have flexibility of what to do in the way of the awards once staff has presented you with those recommendations that will be on the april meeting.

Morrison: okay. And then as I recall our motions and our recommendation out of the committee, also they included that we actually address all of the different priorities in the combined set of programs that are recommended.

That is correct. I'll reemphasize that. The issue that we talked about was there are five goals and that we would hope that the portfolio that comes forward, the mix that you bring forward, would have proposals that address all five of those goals collectively, but that we didn't specify whether it was a primary goal or secondary goal.

That is correct.

And evening one is at that april meeting with the material that is presented to you, you'd be able to see what that mix is and have some time to review that and then ultimately make some decision if you wanted to change the mix. great, and i appreciate that and I think that's very important, because we're doing a weighting, it could easily end up that we only funded programs in priority 1 or whatever, so at least that gives us some guidance to address -- some guidance that we really are committed to all of the priorities. So I appreciate that. I think that's very important. I wonder if you could also talk a little bit about the \$50,000 threshold and how we are -- the recommendation as it came out of the committee on that.

Yes. We -- in fact, we did stay after the meeting and talk with various social services agencies who were comfortable. There is a provision in this that we do have a \$50,000 threshold, that that would be the minimum contracts that we would be looking to bring forward. Again, the administrative costs sometimes are fixed, regardless of the dollars, and so doing the lesser, which was 20,000 now, this gives us a chance to be able to leverage the dollars of the administrative. They felt comfortable with it. We talked to all of them we could, and they didn't see any issue with it. We think that that will -- that will be a key factor in making the evaluation better. I -- and we did actually get an email today from somebody who worked with the program that has \$21,000 in funding from the city, and it's leveraged with an additional, I think, \$80,000 beyond that. So I think that -- and so they were concerned about the \$50,000. So I think that within the next week it might be good for us to -- I could work with you, david, and we could take a look at what kind of situation -- what kind of problem that might pose and how we might address that particular program, if, in fact, we still wanted to -- if it still fell within the bounds of being able to be funded after that.

Yes, council member, we can do that. It's a matter of efficiency, there's a threshold amount that we felt. Also in terms of impact, obviously we want agencies going to have a impact, but in your example if they're leveraging other dollars, that's possible. And the other thing is partnering with other organizations and I think when we heard with one boys in terms of their support of it, I think this would provide some incentive for more partnerships. so this can be a little bit of a pilot. And one of the things I do want to comment is that we learned in discussing with one voice is obviously for the city to manage fewer larger contracts is going to be some efficiency savings and resources, but we have to realize there's no magic here and the fact of the matter is if we're forcing other folks to actually subcontract or

partner, that will shift the overhead there, which is fine, because the partnerships are good, are definitely a good thing to promote.

We did add, if I may, council member -- we did add the provision that again if something is missing out of this mix, that we could do that as a separate, so if for some reason the small contract was something that did not get handled by one of the other ones, then we have the right to pull that out of the mix and bring that forward as a separate contract, so that was one of the recommendations. We really appreciate the guidance that the subcommittee has given us. The real key to making this work is to have this guidance and the direction going forward because we -- we see this as new. This is something that has never been done before, so we're creating the best example that we think will be mimicked by a lot of other people in the future. yeah, I think it's really a great opportunity. One last item I want to ask you about and that is in terms of the no-contact period starting october 11. Is that --

it will start when the rfp is issued, that is a correct statement.

Morrison: okay. And if you could please explain to me what that means in terms of -- you know, lots of social service agencies will be applying. I think for all of us on the council, in our work in the community we run into those folks all over the place, so can you talk about what we're not allowed to talk about with them? But we are allowed to say hello and talk about other topics, if I understand.

I will give you the purchasing rule viewpoint and the attorneys' office would be glad to give you legal vice, should they have it. But we agreed to not step over each other's boundaries in that regard. I don't practice law and i don't let them purchase .[laughter] and it works well. The key is business as usual, it's business as usual, the key point is when they say, you know, under the new rfp I'm going to do this, that's when the real key is to stop them and say, that discussion we can't have. How's your golf game or how's your running or something else, but let's not have that discussion. Should they desire that they have a question that they think should get to you, we have a vehicle to do that. They can then send that to the single point of contact. The single point of contact would make a distribution of that question to all of the applicable people including the council members, the city manager, the mayor and the other prospective proposals, and it would get to you, so we have a vehicle they could get that around to you and still following the anti-lobbying. And that anti-lob I think will be effect until -- lobbying will be in effect until the contracts are executed. But it won't affect -- they can talk to staff about their current contracts, they can talk to you about their current contracts, just don't step over that chinese wall. I appreciate that. City attorney, do you have any additional counsel?

No additional counsel. I think byron correctly stated what is required.

Morrison: okay. I appreciate -- I'm sorry, david, did you want to say something?

Not specific to that, no. I just want to highlight this is sort of a new realm for a lot of the agencies, then, to be in terms of their relationship with the council and the city, so some education in that regard would be helpful, I'm sure.

Again, council member morrison, in the october meeting as we proceed and have that meeting, we'll certainly share with with them and I also want to reinforce, mayor, that a lot of the details of what we've been discussing have been vetted with the subcommittee, and I would defer to the chair in terms of subcommittee actions related to all of this. and council member shade.

Shade: thanks. I did want to clarify one of the questions that council member morrison was asking with respect to the \$50,000 threshold. I feel really strongly about either have the threshold or don't have the threshold, but I do not want a situation where we're going to add something at the end or where we're talking about something -- seeking a waiver. It was very deliberate. We did vote on supporting the staff recommendation for the \$50,000 threshold, and we did seek a lot of input, but clearly it's not -- you know, there's not going to be an rfp that's going to satisfy every single group out there. I would rather

have -- if we want to change the threshold back to the current \$20,000 and everybody should understand currently the threshold is \$20,000. If we want to go back to that that's fine, but I got a little nervous when i heard the answer about at the end, we can kind of look that the. I don't want there to be -- we're trying to depoliticize this process as much as possible. This is not a foundation-making grant. This is a city government purchasing services, contracting for services, that meet our citizens' most pressing needs, and I think that it really opens up a very challenging situation -- excuse me -- situation, if we don't have very -- some specificity on that. So I'm open to relooking at the threshold number. Again, we voted. It was a unanimous vote by the subcommittee, but I'm certainly open to colleagues and/or other input that might come between now and the time we take final action. But I feel really strongly about that item. So I don't know if you have anything to add to that --

and you are correct. The rfp will have a very specific. My only comment was that ultimately council makes a decision on the social services spending and the contracting, and should they decide to do something else later and pull it out of the mix, that's a city council decision that they have the final decision on. I'll say, I hope my colleagues were disciplined enough to follow the rules that we put in place. I did want to make a few other comments, just to echo what council member morrison said about the amazing amount of work that's gone on for this, from the committee, the people who served on our working group task force, from all the various staff, and certainly from many of the social service providers, as well as the people who they serve. And I think that mayor leffingwell served as the chair of this subcommittee back in the early -- before I was on the council, on my first year on council, and we began this process in 2007 or 2008, and I just want to let him know that i hope that next week we will actually be able to get a new rfp out there. I want to reemphasize again a few points. One is that it has been more than a decade since the city has had a competitive process, and clearly our community's needs and the social service providers out there have changed, and we certainly need to open up the process. Existing contracts have resulted in valuable services, and many of them are in alignment with the current comprehensive plan, as is demonstrated by david's presentation, but recognize that a new process opens up potential for the city to be more focused on current priorities and it gives all the social service providers in the community the chance to proposal new ideas, to form new collaboratives and to leverage their strength in new ways. So I know whenever you make a change there's concern about, you know, the idea of who's moving my cheese, something is going to change, I might not get the money that I'm used to getting, but I think on the other side people should realize that all these social service providers have been able to do is get renewals. They haven't been able to apply to do new things, they haven't been able to reframe what it is that they're doing. They haven't been able to form new collaboratives easily without having to go through kind of a lot of bureaucracy, so this is a really important step that we're taking and the goal is to spend the money as wisely as possible and to get the best mix of social service contracts. I also want to point out and reemphasize that every single current social service contractor will be eligible and encouraged to submit proposals, and the sooner we get an rfp on the street, the more time we'll have for transition. None of these contracts will go into place until october, a year from now, so it's 12 months for us to work through this and for the organizations to -- you know, to make plans accordingly. So our goal is to have a smooth transition, and i just wanted to echo again how much I appreciate the efforts of mayor pro tem martinez and council member morrison and all the folks who have been involved with this. Thank you. Anythi anythi ng further? Thank you very much for the presentation. We'll look forward to action item on this in a few weeks.

Thank you. so with that, council, we'll recess this meeting of the austin city council and call to order the meeting of the austin housing finance corporation board of directors. spencer here to take us through the consent agenda.

Good afternoon, board of directors. Betsy spencer, acting treasurer of the austin housing finance corporation. I offer for your consideration today three items on consent. Item 1 is the authorization -- is the -- to authorize negotiation and execution of a 12-month contract with the austin area urban league in an amount not to exceed \$1 million. This contract will allow the austin housing finance corporation to administer the emergency home repair program. This program is a long-standing partnership with the urban league to provide services to some of our most vulnerable residents in austin, which is emergency home repair. Item 2 is to authorize the negotiation and execution of a one-year service

agreement with the city of austin to manage and operate affordable housing programs for the city for fiscal year 2010-2011, funded by the city's urban department -- did you want of housing and develop funds in an amount not to exceed \$7,849,957. Item 3 is to authorize the negotiation and execution of a one-year service agreement with the city of austin to manage and operate affordable housing programs with the city during fiscal year 2010-2011 for the proceeds from the city's general obligation housing bonds or go bonds in an amount not to exceed \$6,495,000. I'm available to answer questions. Questions on the consent agenda? Is there a motion to approve the consent agenda? Council member morrison moves approval. Council member shade seconds. And any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed say no? It's approved on a unanimous vote of 7-0. Thank you. So with that, those are all of the items that we have on our agenda for the austin housing finance corporation, so without objection we'll adjourn that meeting and call back to order this meeting of the austin city council, and begin with our zoning cases.

Thank you, mayor and council. My name is greg guernsey. I'm the director of planning development review, and I'll 00 zoning ordinance and restrictive covenant items. These are where the hearings have been closed. 102, 103 and 104 are related items, with the central west austin neighborhood planning area, for windsor roads and west austin. These will be discussion items. 105 I can offer for consent postponement. This is a staff requested postponement for the case c14-2010-0035, for the property located at 1800 nueces. The staff is working with neighbors and the applicant regarding a downtown plan, and that is our reason for postponement of this item to your october 28 meeting. And that concludes this portion of the agenda that i can offer for consent. consent agenda for those items where we've already closed the public hearing is postponed until october 28 item no. 105. Motion to approve by council member spelman, second by council member morrison. Any discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Any opposed say no? Passes on a vote of 7-0.

Thank you, mayor and council. 00 zoning and neighborhood plan amendment items. These are where the public hearings are open and possible action. First item I'd like to offer 106, case c14-06-0121 for various properties on ber net road, esperanza crossing. This is a postponement requested by the applicant to your september 30 meeting, and again this meeting will be held at -- not here at city council chambers but at 1165 angelina street in east austin. So I want to remind people of that. The second item I'd offer 109, and this is case c14-2010-0078, for the property located at 601 west 17th street. This is a staff requested postponement to october 28. This is also in the downtown planning area and staff and lict and neighbors are working in regards to this item -- or this postponement to the 28th on item 109. The next item is item no. 111. This is for the property located at -- or case c14-2010-0090 for the property at 907. 909, 911 Congress avenue. There was a request for indefinite postponement. So we'd also request indefinite postponement for this item. If this item were to come back on your agenda we'll renotify for this item no. 111. 112 is c14-2010-0097, for the property at 11777 jollyville road. Staff is requesting indefinite postponement of this item. At the zoning and platting commission hearing, the action was to accept the applicant's request for indefinite postponement, so staff would recommend indefinite postponement of this item as well. Again, if this item were to come back on your agenda we would renotify for this item, that's item no. 112. 113, this is case c14-2010-0100 for the property located at north fm 62 road, to gr-co, combining district zoning to change conditions of zoning. The zoning and platting commission recommendation rco zoning with changes in conditions, and so this would be requested for first reading 113 of the commission's recommendation. 114 is case c14-2010-0101. This is for property located at 1808 vans circle. Staff is requesting a postponement of this case to your october 28 agendas. The planning commission has read to review this item on their agenda. The postponement to 10/28 on 114. 115, mayor and council, there is a discussion of a postponement date on this, so I don't know if you wanted to consider that with the postponement and consent items. I'll skip

that for a moment and you can come back and we perhaps can talk about that. 116 is discussion, 117 is a consent item I can offer. This is for case c14-2010-0125 for the property located at 7234 and highway 290 westbound. This is change of property from general office-conditional overlay or go-co combining district zoning. The zoning and platting commission's recommendation was to grant the go-co combining district zoning and this is ready for consent approval on first reading only. 118, this is case c14-2010-0132 for the property located at 4500 1/2 triangle avenue to zone the property general commercial services, conditional overlay or cs-co combining district zoning. The zoning and platting commission was recommending approval of the cs-co combining district zoning. The item is ready for consent approval on first reading and second reading today. The neighborhood -- the applicant and staff have agreed to an additional condition I'd like to read into the record that would be incorporated with third reading. And it says, "except as specifically related to hospital services general use and accessory uses, a drive-in service use is " with that additional condition, which would prohibit drive-in services for restaurant or financial services, things like that, but only allow it as an accessory to the hospital, for instance, you might have it with a pharmacy attached to the hospital, then it might be allowed, with that additional condition we would offer this as a consent item and the neighborhood has agreed not to speak and the applicant. That's item no. 118. It's a little unusual, we're offering it for first and second reading but this has to do with issues related to a contract related to the state of texas. 119, is case c14-2010-0133 at 8401 cameron road. This is to zone the property public or p district zoning. The zoning and platting commission's recommendation is to grant the p district zoning so this is ready for consent and approval on all three readings. 120, this is case c14-2010-0142, for the property located at 1307 newning avenue. This is to zone the property family residence dnl overlay, neighborhood conservation combining district neighborhood plan sf-3-co-np, combining district zoning. The zoning and platting commission was to grant sf-3-nccd co-np. The conditional overlay is not required because we can modify the nccd and so we can delete the co that's referenced in the planning commission's recommendation and just simply approve the neighborhood conservation combining district neighborhood plan, combining district zoning or sf-3 npd zoning and offer that with -- still on consent for three readings. 121, is case c14-2010-0024, for the property located at 209 east 38th street. Staff is requesting postponement of this item to your october 28 agenda. The planning commission has yet to review this item. 122 for the prmt -- for case c14-2010-0094 for property located at 921 reinli street, conditional overlay neighborhood plan, cs-co-np combining district zoning. The zoning and platting's recommendation was to grant conditional overlay or cs-1-co-np combining district zoning and this is ready for consent approval on all three readings. There are two additional items I might be able to offer for consent at this time. I don't believe we have any speakers here on item no. 110, Mayor. This is case c14-2010-0084 for the property located at 8616 cullin avenue, this is to zone general commercial services mixed use or cs-mu combining district zoning. The zoning and platting commission's recommendation was to grant community commercial conditional overlay or gr-co combining district zoning. If there is no one here, yor, know the neighborhood was opposed, but we didn't have anyone signed up earlier for this item and we can offer this item for consent.

Mayor leffingwell: three?

For three readings on item 110. 107, case c14-2009-0078, this is for the property located at 12412 limerick avenue. This is to zone the property neighborhood commercial or lr district zoning. The zoning and platting's commission's recommendation was to deny the neighborhood commercial lr district zoning. I don't believe there's an applicant or representative here on item 107. I have somebody signed up.

Oh, you do?

Mayor leffingwell: yes.

Okay. Very good. Okay. Then we can leave that one on for discussion. So that concludes the items I can offer for consent.

Mayor Jefferingwell: okay. For those items for which we have yet to hold a public hearing, to postpone item 106 until september 30, to postpone until october 28 item 109, postpone hearing and approve on all three readings item 110, to indefinitely postpone item 111 to n 112 and postpone, to close public hearing and approve on first reading only item 113, to postpone item 114 until october 28. To close the public hearing and approve on first reading only item 117; to close the public hearing and approve on first and second readings with an additional -- additional condition, which we will consider on third 118, to close the public hearing and approve on all three readings item 119 and 120; to postpone item 121 until october 28; and to close the public hearing and approve on all three readings item 122. Entertain a motion to approve the consent agenda.

Move approval, mayor, but I do have a question of mr. guernsey.

Mayor Jefferingwell: okay. Go ahead and ask your question and your motion is noted. Can I get a second right quick?

Second by council member shade. guernsey, on 118, central texas rehab, you've read -- you're proposing this for consent on first and second reading, and presumably the only reason it's not all three readings is that condition you read to us hasn't been incorporated in the ordinance. Is that correct?

Guernsey: thawrk. since you've read it to us, why can't we incorporate it into the ordinance now? I -- dispatch the issue and that's one more thing we don't have to consider again. I guess there is an issue related to the contract with the state of texas, and so that's why we're only offering it right now for first and second, but having this additional condition -- provisionally, we think that condition the work but we still need to check it out. there's kind of -- I guess an agreement not to finish this because of the contract that's pending with the state of texas.

Spelman: gotcha. Okay. Thank you. heard motion and a second. Any discussion? Council member morrison. I do have a questi on item no. 120. This is the first I've been able to see the ordinance, and this is the newning case that we had initiated. that's correct, and it -- could you talk a little bit about what that did, and since I didn't -- it wasn't in backup and this is the first -- there's a reference to what's called a conditional overlay, and that -- since this is an nccd, and we can modify site development regulations and use regulations, the conditional overlay is not necessary to this ordinance, and so staff, after speaking with the law department have agreed that the reference to the co and the sf-3 co nccd-np, that the co portion can be deleted and still accomplish all the --

morrison: right. Could you just state what this ordinance accomplishes for us because I haven't had a chance to read it.

Guernsey: okay. Well, it speaks to limiting the density on 1202 to 38 dwelling units per acre. On 1214, if the existing structure is preserved and designated an historic landmark, under landmark regulations 132 a, no office, permitted to two-thirds, and those are the beginning parts of that but the particular property we're talking about is 1307 and it limits the maximum density of one dwelling unit per subdivided lot of 9,000 square feet. So only one dwelling unit can be on one lot of 9,000 square feet, and the maximum impervious cover total would be limited to 45%. So in this case since we started out with a larger property, been divided in two, you could only end up with two units and both of those lots individually would be a minimum of 9,000. so we achieved the goal we were after which was to basically maintain single-family zoning.

Guernsey: correct. they can subdivide -- without introducing a more intensive category, that would be townhouses.

Morrison: okay. Thank you. all in favor of the motion to approve the consent agenda say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 6-0 with council member -- council member -- council member cole, are you voting aye? Passes on a vote of 7-0. mayor, we did have that one discussion postponement -- I'm going to say without objection, council, we can go ahead and take up this discussion postponement item, no. 115. There are folks signed up to speak, but I'd like to hear from one person representing the postponement request and I don't think there's any -- there's any people to speak against the postponement, are there? well, there -- I think it's a difference of opinion, the date of opponent, this case c14-2010-0118 for the property located at 1901 south lamar boulevard, the applicant has requested a postponement of one week to september 30. The neighborhood would like a postponement to october 28 because the association is having a meeting the week prior to the 28th, and they have not had an opportunity to speak with the applicant. And with that I think I'll pause and let each side speak to their reasons for postponement. so is there someone who wants to speak in favor of the more than one week postponement? Ebl that is lorraine atherton. So addressing the postponement issue only.

Hello, lorraine atherton with the zilker neighborhood association. Hello again. We have not had -- well, actually the applicant has had four opportunities now to try and get together with us and present his proposal, and has not done so, and we haven't had an opportunity to evaluate the proposal in detail and present it to our membership. Our next meet october 25, and so we -- we request that -- that the postponement -- that it be postponed to that date. We've also got bill neil is a concerned resident at -- just a couple of blocks away, directly in the line of sight of this project, and he came down to argue for the postponement too because he really wants to get together with his immediate neighbors and assess the changing situation at this intersection. There's also -- the item 116 is a similar case. Cs-1 rezoning case that the south lamar neighborhood association had to ask for a postponement because they -- their neighbors were extremely concerned about the additional cs-1 zoning on south lamar, so we would also like an opportunity to coordinate with them regarding the proliferation of cs-1 zoning. Thank you. thank you. So you're asking for a postponement until october 28?

To october 28.

Mayor? Jerry rusthoven from my staff got a message from someone who is aware that jar is out of town today, but then also got another text message that ajar, who is representing the applicant in this case, would not object to the 28th. So I guess we could offer this as a consent postponement based on the information that we've received by text message to a postponement october 28. well, I think if we had a faction instead that would legally -- motion to approve postponement till october 28 by the mayor pro tem, seconded by council member morrison. All in favor say aye.

Mayor leffingwell: aye.

Aye. opposed say no. Passes on a vote of 7-0. thank you, mayor and council. That brings us back to the beginning of our 2:00 p.m. Items for discussion. These items -- I'll introduce three of them, item 102, 103 and item no. 104 Dealing with the central west austin combined neighborhood plan. before you start, greg -- we've got a couple of items, at least two, where we have council members who have to recuse themselves.

Guernsey: yeah. i wonder if it would present a problem to take those up first. I don't believe so and I -- I think we were actually prepared to propose them in an order where it would cause the least amount of movement of the council members in and out of the room. well, are they required to recuse on item 1? 102 and 104 -- motion 1, excuse me. right, I think that's what we're going to do. I'm going to call guiseppa to come up there my staff and we'll run through the motion sheet and then those are the items that we'll -- okay. 1 they don't need to recuse themselves. 2 And 3 they do --

mayor leffingwell: okay. So let's take up --

I'll turn this over to paul to present -- but we will take consideration of motions 2 and 3 first, and there are no other proposed motions that require a recusal by anyone.

That is correct, mayor. so recusal announcements? Council member morrison? I need some help from the city attorney. So it's my understanding i won't be recusing myself from item 1, but I will be recusing from item -- motion 3.

Mayor leffingwell: and 2.

And 2, both 2 and 3 are related to the brackenridge tract.

Morrison: okay.

Mayor?

Morrison: 2 and 3. council member riley? if I can just ask a question, to see if it's legal about the whole recusal issue. Deborah, we've talked about this, and as you know the last time this was before council it appeared that i needed to recuse with -- my dad works for the university. And just -- and I know the city - integrity -- has continued to look at these provisions and I think we're at a point now where we determined that I can, in fact, participate in the decision now and I want to make sure we're all on the same page as to why that is. As I understand it, there are really two sets of standards. There's a state standard and a city standard. And under the state standards I clearly would not be recused. I would not have a substantial interest under the. Under the city standards there are some provisions that indicate that I would, 65, substantial interest of relatives, subparagraph c, there is a -- there is a line that says, for purposes of this section, substantial interest shall be defined -- shall be as defined in chapter 171. , The state provision. So they're saying for purposes of your -- of the substantial interest of a relative, city code actually references the state standards under which i would clearly not be recused. So based on that sentence in 2.7.65 c, I'm not recused.

That is correct.

Okay. I just wanted to make sure we're all on the same page about that. So I'd know what I could be participating in. Thanks for your help with that.

Mayor? council member spelman. my case is considerably simpler than riley's. I'll recuse on 102, motion and 104,.

Mayor leffingwell: okay. So in case -- it's your option to leave the dais or stay, but we'll take up proposed motion no. 2 first. You can go ahead and remind us what it is.

Okay. Well, good evening, mayor, mayor pro tem, city council, mr. city manager. My name is paul diguisepe and I'm with the city's planning and development review department, and the next items we will be taking are on the -- on the agenda are items 102, 103 and 104. Those are in regard to the central west -- item 102 is in regards to the central west austin neighborhood plan. It is case number is np-2010-0027. 103 is the windsor road neighborhood plan combining district and that's case no. c14-2010-0051. And item 104 is the west austin neighborhood group, neighborhood plan combining district, and that is case no. c14-2010-0052. On august 19 you heard these cases on first reading, and you took action, and tonight we're bringing these back. Most of these items are back for second and third reading and some are for second reading only. I will cover the second -- whether it's second or third or second only with each motion. Now, following the direction of the mayor, we're going to 2, which is agenda no. 102. The action is to approve the motion on the brackenridge tract use objective and recommendation.

The issue is the land use objective 7 and associated recommendation. Your prior council action was on first reading, you closed the public hearing and approved the text as recommended by staff. And staff's recommended language focused on working cooperatively with all stakeholders. Does council have any questions? any questions? Council member shade. I'm sorry, we were looking at something else. We've gotten a lot of email on this item about what's included in the plan, what's included in the text, and it looks to me like we all have a new amended version that adds some of the additional comments that were shared by neighbors that hadn't yet been included in the addendum, and so I wanted to make sure that we added the newer version that includes those items, but I don't know who has that. Does everybody have a copy of that? i think everyone has a copy.

Shade: okay. if you'd just -- with your motion, read the proposed changes.

Shade: okay. So the proposed changes are -- motion to approve on second and third reading. motion to approve on second and third reading, I'm sorry, and to insert adding to the stakeholders' feedback on the brackenridge tract the comment that this summary does not include input from the owner of the tract. The summary shall not -- in no way be construed as acquiescence or agreement by any party on any of the issues listed. The tract is excluded from central west austin neighborhood flum and neighborhood plan, and then 4 we 5, the deep eddy tract, if chosen to be we developed, should be redeveloped in such a way that is harmonious with the surrounding enabled, another 6, the boat park and town street tract should remain unchanged. Any proposed redevelopment should be harmonious with the surrounding neighborhood. 11, add after the phrase, but useful green space, after the words "and other public uses inserts in order to nudge more activity and events that include the surrounding enabled. In addition, there is a second page, and there are additional issues and desires that were identified. 3, redevelopment should avoid environmentally sensitive resources, such as protected trees, wetlands and endangered or threatened plant or wildlife habitat, 6, the design of any redevelopment should be compact mixed use and walkable so that all modes of travel are maximized. Redevelopment should result in harmonious residential development near the existing residential areas, preserving significant amounts of invaluable urban green space and its remarkable trees is encouraged. I'd like to add those changes, but just by way of comment, as to kind of how we got to this place, and with full recognition of how much time goes into the neighborhood planning process and also in response to many of the emails that we've received up here, i think it's really important to state up front that there isn't a person on this dais who doesn't care deeply about west austin and does not -- we hear from neighborhoods on a regular basis who are involved in the neighborhood planning process, we participate in a lot of that, fully understand how time intensive it is. We recognize how hard everybody has worked at this for three years. We recognize the particular sensitivities with respect to the brackenridge tract, and as we've gone through this -- the most important thing that we've heard from the neighbors is that we recognize the work that you've put into it and that you give voice -- that we give voice to the community's desires and efforts in this process. And I think that by making sure that we've included the list that's a very long list of things, some of which were -- were now added to -- is a very important way to codefy the comments that were made, but I also think it's important to recognize that those of us -- everyone in this room that's concerned in this matter and many people who are watching and following this, that the most, you know, important thing we can do also as we move forward is have a cooperative relationship with the university of texas. I think we all recognize that. That's why the comments in the plans state up front that this dialogue needs to continue, and so in doing this we -- I hope that we're achieving the right balance that allows us to have a platform so that this dialogue continues and that we don't inadvertently create a situation that doesn't give us the very, very best platform for dialogue. And I know we had a lot of discussion about this last time, and I just want to reemphasize again that these comments are in the text here that we've just talked about, and this provides the platform as we go forward, and we've heard -- certainly heard from the university of texas a deep desire to have this dialogue continue, and I just -- I think that the comments and the emails that we've received, some -- you know, please understand that this is an ongoing pro and I wish that we could be done today but we're not going to do. This is a long discussion yet to come. motion by council member shade to approve on second and third readings the text for the land use objectives. Stakeholders' feedback on the brackenridge tract with the comments read into the records. Is there a

second? Second by the mayor pro tem. Is there any further discussion?

Excuse me, council member, I believe when you were reading the language at the very beginning you said the tract is excluded from the central west austin neighborhood plan and flum. I just wanted to make it clear that it's only excluded from the flum, not the neighborhood plan. what about the zoning cases, the zoning on the properties within the brackenridge tract?

[Inaudible]

mayor leffingwell: okay. All right. Correction noted.

Shade: thank you. so that sentence reads the tract is excluded from the central west austin neighborhood future land use map. So I would just like to say that I echo council member shade's remarks about trying to achieve a good rules in this very difficult situation, recognizing that the university of texas owns the property and they are sovereign, they have sovereign rights to develop the property. And I believe, and I think most of the members of council believe, that the best way to achieve our objective, along with the neighborhoods' objective, which is to whatever development might occur there, to ensure that the development is sustainable and compatible and complementary to this existing surrounding neighborhood. That's our objective and we believe this is the best way to obtain that objective, speaking for myself. Any further comments? Council member shade? sorry, one thing i didn't say in my lengthy comments was I really want to recognize the work of council member riley, who wasn't on the dais. He was -- he wasn't able to vote last time. I really appreciate the effort that he's put into it. I really do appreciate the comments we've heard from neighbors, but most of all i want to thank the city manager and the mayor for the leadership that they've been exerting in this, you know, process, because i think that that's the only way that we're going to be successful in these discussions, and so far i'm feeling more optimistic than I did feel a year ago when i wasn't aware of just all of the tools that we have in our toolbox. I'm very appreciative of that leadership. Thank you. thank you. Further comments? All in favor of the motion say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on second and third readings on a vote of 5-0 with council member spelman and council member morrison not voting. So that brings us to agenda -- proposed motion no. 3. I don't know what the correct terminology for that is.

You're absolutely correct. 3, agenda no. 4. The action is to approve the motion to not add neighborhood plan combining district zoning on the brackenridge tract. On first reading, closed the public hearing and approved np neighborhood planning zoning on the brackenridge tract. Staff inadvertently presented the tract for approval on first reading to amend the base zoning by adding the neighborhood plan combining district, but based on council's discussion of the tract during the public hearing, staff believes that council did not intend to add neighborhood planning zoning to the base zoning district for the tract. This item is offered for second reading only, and that's due to a posting error for the backup for 104 on the city's web site. Does council have any questions? any questions from the council? Motion? Second reading only. Mayor pro tem moves to approve on second reading only the motion to remove the np designation for all the tracts zoned when -- that are within the brackenridge tract, and to -- is that the correct motion?

Correct. second by council member shade. Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 5-0 with council member morrin and council member spelman not voting. So now we can go back to proposed motion no. 1. 1 is agenda

[inaudible] and the action is to approval the central austin combined neighborhood plan. Proposed action is on second and third readings, approve the central west austin combined neighborhood plan and future land use map as approved by the city council on first reading. Council's vote on first reading removed the brackenridge tract and 3215 exposition boulevard from the future land use map and these properties are not part of this vote. Also this vote does not -- does not include the text for the brackenridge tract, which you've just done, but which was taken by a separate vote. The prior council action was on first reading, you closed the public hearing and approved the central west austin combined neighborhood plan and future land use map. Staff is also -- upside downs that council would like to consider a change to the tarrytown shopping center. If a change is desired, this motion is the appropriate location to make that change. Does council have any questions? council member morrison. I would like to make that change. The tarrytown shopping center, last time around on first reading, we approved on the future land use map neighborhood mixed use. The problem with that is mixed use is more of a multiple choice. You can do commercial and/or residential, and that could mean, for instance, that it could end up all residential, and I think it's quite clear that the tarrytown shopping center can really -- really is -- it's desired by the neighbors and foreseen in the plan that it be a vibrant neighborhood commercial center. So with that what I would like to do is move approval on second and third readings with the exception that the tarrytown shopping center at 2414 and 2417 exposition boulevard should be changed to neighborhood commercial on the future land use map instead of neighbor mixed use. motion by council member morrison to approve on second and third readings central west austin's combined neighborhood plan future land use map with the change to -- to change the tarrytown shopping center property, whi 2414 and 2417 exposition boulevard be changed to neighborhood commercial instead of mixed use. Second by council member shade. Discussion?

Spelman: yes, mayor. council member spelman. I understand the need to retain retail at that particular location. I think it's a very good idea. I used to live around the corner. That was a helpful retail district when I was living on hartford road. I wonder if it might be equally good to substitute from neighborhood commercial to neighborhood urban center, which also allows for mixed uses, so it could be both residential and retail but also provides a floor on the percent that would be retail. Some percentage would have to be retail, and also provide that shall some percentage of it, if redeveloped, would have to be residential as well, whether that would be something which we could consider. council member morrison? so it's -- it requires that it be mixed use then? I could send it to you, I could read it to you -- that may be all -- I have it in front of me. okay, then read it. [Laughter] do you have it in front of you?

I do not have it.

Spelman: there you go. I have slightly better -- for a change, slightly better information. Development requirements are dependent in part on how large the site is I believe it's larger than one acre but smaller than 40 acres.

Correct. This would fit within those parameters.

Spelman: okay. If it is, in fact, between 1 and 40 acres, as this one is, then the requirements for development of the a neighborhood urban center, has to be 10%, 25% is residential and of the residential units 20% must be townhouses or condos. Cannot all be apartment houses. I haven't really had an opportunity to discuss -- to hear from the neighbors about urban center and so I guess I would like to get some input if anybody has a sense for how the neighborhood would feel about that, if that was actually -- paul, maybe you know, was that actually discussed by the neighbors?

That actually was discussed, and I guess for point of clarification, the neighborhood urban center is actually a -- it's a change to the zoning. It's not a future land use category, but you could potentially do it here, but -- so council member morrison's question, when we had a zoning meeting on this property to talk about mixed use options, we did present neighborhood urban center and vertical mixed use and a few other options at that meeting -- and at that neighborhood meeting there was overwhelming consensus not to add zoning opportunities for residential. I guess also, one point of clarification on the

neighborhood urban center, like vmu, it is optional, so a property owner could build based upon base zoning or take advantage of the infill -- that particular tool. so -- but you're saying it's not a flum designation, so we're talking about the flum right now.

Correct. That would not be a flum designation. it's an infill option that you can assign to a particular piece of property.

Correct. so I think that I'd like to stay with my motion. I do foresee with my motion the opportunity, if there are ideas for a development, for discussion with the neighbors about that, to see if there's something that could work that might include residential, but at this point I think [inaudible] to go with neighborhood commercial, so I'm going to maintain my motion. Friendly amendment is not accepted by council member morrison. Council member shade, did you have a comment? I was actually going to echo what council member morrison just clarified. I think the issue of having the property owner have to opt in makes this very challenging. I would much prefer to stick with neighborhood commercial currently, and the designation between whether it's a flum designation or whether it's a zoning category is not what I was actually just thinking about. It was more about the fact that we need to make sure that we have retail space there. And when a different property owner comes along who might be interested in something, they can always propose and then whatever council is in place then could look at that, but at least the onus is on them to make the case for changing it to add residential while guaranteeing that we still have it zoned for commercial, which is much needed in that area. So I'm with council member morrison on that, and probably think -- well -- so council member spelman, apparently your friendly amendment is not accepted. actually, I was not even offering a friendly amendment, I was offering a question, which has now been answered. But I would ask one more question, propose the same subject the same subject. At the neighborhood meeting when you offered up this neighborhood urban center as an alternative and you were told no, what was the reason? How come?

I'm sorry.

Spelman: how come? What's wrong with having residential there?

Part of it was I believe directed toward the property owner who's now in this area. There have been some issues. I think there was also -- throughout the whole planning process that we were in for about three years, we heard frequently from the neighborhood that they really wanted to keep things the same as much as possible, and this was --

well, in terms of land use -- in terms of land use and what's on the ground, so it was consistent with what we heard with many of the recommendations that came from the neighborhood in the land use process. mayor, although I realize the public hearing has been closed I see a member of the neighborhood who seems to be objecting strenuously to staff's -- what was said. May I ask her a question? Do you have a different view of what that conversation looked like?

Well, there were two conversations that happened about -- your name, please?

Gwen juis, and I live within the few houses of this particular piece of property. When we talked about it in the land use discussion, there was sort of a leaning towards doing something that was more mixed use. We talked about it in the zoning discussion. Then it was vehemently against doing anything mixed use and leaving it exactly as it was zoned to stay. When it was talked about in the zoning discussion, it was very much aimed, as paul mentioned, towards having the owner of the property not having any more advantage than what's on the ground today and really wanting to have to have any change to the property having to be negotiated, a, with the neighbors, and b, with whatever council was in place so that there would be the need to come back and revisit things rather than to give anyone any advantage. But the concern was not that there didn't want to be any residential there, but to make sure it couldn't be all residential, that there would always be a retail comp to it. Right now there are some commercial components to it but it's not the same retail component that you could walk to, not the neighborhood

retail, and that's the thing everybody is a little bit upset about. You know, so many of the walk-to retail things have gone away. It's not the neighborhood retail that everyone has lived with for 40 or 50 years. so even if it were -- twoorp a zoning it were -- for neighborhood urban center it wouldn't guarantee you have the square footage of people you -- could walk there.

Paul, correct me, but i believe it's always optional under those categories.

Actually it would be mandated under an urban neighborhood category. It would be at least 10% retail. [One moment, please, for]

I believe that's correct.

Spelman: Okay. He's checking on that now.

The answer I'm looking for is -- you actually might have it in that code book, but I'm trying to recall, i believe neighborhood urban center is allow under simple commercial zoning, but rusthoven is also looking at that because if we can place a neighborhood urban center on property that is zoned for commercial use only, then your point is correct. Actually, we're looking at it right now in section 25-2-1552, and it is allowed in the zoning districts that are currently applied at the shopping center.

Spelman: Okay. So it would be permissible to provide this option for the owner of a property which had the zoning that we're talking about for this property.

Correct.

Spelman: Okay. Let me ask one last question and then I'll shut up. If we were to provide that option through a separate action, we're only talking about the flum here, not the zoning of this property. If we were to do this when we did talk about zoning of this property, what would be the appropriate flum designation?

I believe you could still do neighborhood commercial with this on top of it or neighborhood mixed use. I think either one would be fine.

Spelman: Okay. Thank you. I have no amendment, mayor.

Mayor Leffingwell: Anything further? Everyone understand the motion? To approve on second and third readings. All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

Now we are on motion number 4, and that is agenda number 103, and the action is to approve the rezonings in the windsor road neighborhood plan combining district. And the proposed action is on second and third readings, recommend approval of the rezonings as recommended by city council on first reading, except for the following that will be taken by a separate vote shown below. And that is tract 1, which has a valid petition. Your prior council action was on first reading to close the public hearing and approve the rezonings. Does council have any questions?

Mayor Leffingwell: Questions? Is there a motion? Councilmember morrison.

Morrison: Move approval on second and third readings.

Mayor Leffingwell: Councilmember morrison moves approval of motion number 4 on second and third readings. Seconded by councilmember riley. Further discussion? All in favor say aye. Opposed say no.

It passes on a vote of six to zero with councilmember cole off the dais.

Motion number 5, which is also agenda number 103, is to approve the motion to rezone in the windsor road neighborhood plan combining district. This is tract number 1 and there are five properties located at 1717, 1721, 1801, 1803 and 1805 west 35th street. On first reading, close the public hearing and approve lo-np zoning. There is a valid petition and six votes are needed to approve any zoning category other than lo-np. Does council have any questions?

Mayor Leffingwell: I've got one question. We only have six councilmembers on the dais and are normally our procedure is not to consider items with a valid petition on them without a full council. Could we skip this and go on to the next one in the hope that councilmember cole -- does anybody know -- let's go ahead to the next motion. I apologize.

Okay. This is motion number 6, agenda number 104. And the action is to approve the zoning and rezonings in the west austin neighborhood group, neighborhood plan combining district. And this is on second reading only, recommend approval of the rezonings as recommended by city council on first reading, except for the following that will be taken by separate vote shown below. And those are tracts 104 and 105. Those have valid petitions as well. We'll cover those after. Your prior council action was on first reading to close the public hearing and approve the rezonings. Does council have any questions?

Mayor Leffingwell: Questions? Motion? Motion number 6. Councilmember morrison.

Morrison: Move approval on second and third reading of all except tracts 104 and 105 -- on second reading.

Mayor Leffingwell: Councilmember morrison moves to approve the items in motion number 6 on second reading. Is there a second? Seconded by the mayor pro tem. Discussion? All in favor say aye. Opposed say no. It passes on a vote of six to zero with councilmember cole off the dais.

Mayor, the remaining items are -- all have valid petitions.

Mayor Leffingwell: Well, council, we can go ahead and take up item number --

mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: At least food for thought, on items 7 and 8, if you look on first reading we took up those items with only five councilmembers on the dais because we were all in agreement with what we were going to do. So I think unless something drastically has changed, we could probably take those up and move on.

Mayor Leffingwell: I guess we're kind of forced into that situation. So that brings us to --

item 7? Motion 7, I'm sorry?

Mayor Leffingwell: Motion 5. Correct?

Yes, sir.

Mayor Leffingwell: Motion 5. And there is a valid petition. Is there discussion or a motion on item

number 5? Motion number 5.

Martinez: Is this just second reading, mayor? Second and third? Second and third.

Martinez: I'll move proo approval on second and third, same as we did on first reading, lo-np.

Mayor Leffingwell: Mayor pro tem moves to approve motion number 5 on second and third reading. Seconded by councilmember spelman. All in favor say aye. Any opposed say no. It passes on a vote of six to zero can with councilmember cole off the dais. So council, we'll just go ahead, if we don't get six votes on the valid petition items, it will be just for one reading. So that takes us to item number -- motion number 7.

Yes. And the action here is to approve the motion to rezone in the west austin neighborhood plan combining district. This is motion number 7, agenda number 104. The tract number is 104 and the address is 700 hearne street. Your prior council action on first reading, close the public hearing and approve mf-3-co-np with a 35-foot height limit. There is a valid petition, so six votes are kneed to approve any zoning category with a 35-foot height limit.

Move approval on --

Mayor Leffingwell: Mayor pro tem moves approval on second and third readings for motion number seven.

Martinez: Same as first reading.

Mayor Leffingwell: Yes. Seconded by councilmember riley. And verifying that second and third, you're ready for second and third?

This is second only because this is item 104 which had the posting issue.

Mayor Leffingwell: So the valid petition issue is not an issue. So mayor pro tem moves approval on second reading, and councilmember riley seconds. Discussion? All in favor say aye? Opposed say no? It passes on a vote of six to zero is with councilmember cole off indict as on second reading only.

Finally motion number 8, agenda number 104, this is tract 105, located at 2309 pruit street. Your prior council action was on first reading to close the public hearing and approve sf-6-np. There is a valid petition on this property as well. Six votes are needed to approve any zoning category other than sf-6-np and this is for second reading only.

Mayor Leffingwell: Second reading only, so the valid petition comment does not apply. Is there a motion? To approve motion number 8? Pelman moves approval. Seconded by councilmember morrison. Discussion? All in favor say aye. Opposed say no. It passes on a vote of six to zero with councilmember cole off the dais on second reading.

So mayor, if I may, we are preparing -- prepared to bring back those items that you took action on second reading next week, which I believe is at the carver library.

Mayor Leffingwell: That's correct.

Thank you.

Mayor Leffingwell: Thank you.

Mayor and council, that brings us back to item number 106 on your agenda, item 107 is case c-14-2009-0078 for the property located at 12412 limerick avenue. This is a zoning change request from neighborhood commercial or lr district zoning. The zoning and platting commission's recommendation was to deny the lr, neighborhood commercial district zoning on this property. The property itself is just over four-tenths of an acre. The original request was for gr. The applicant amended this to lr. Back on april 29th. The commission when they reviewed the case looked at the staff recommendation as well and staff also recommended the denial of the dr zoning on this property. The property is developed with a single-family home that fronts on limerick avenue which is right adjacent to or abutting 290 -- not 290, parmer lane. Developed with an existing single-family home. The property owner would like to redevelop the property for possibly a coffee shop, which would be a restaurant limited use or a bakery of food sales use. The property does not have enough frontage along parmer lane to allow access to it. The street that it does have access on to, limerick, is a dead end street that goes back into a single-family neighborhood. The adjacent property to the east is lr. To the north is no-mu across parmer lane and then immediately to the south is no and sf-1 and to the west is also n.o. Current zoning on the property is also n.o. And if you have any questions, I'm more than happy to answer them at this time. There is a representative here on behalf of the owner.

Mayor Leffingwell: Are you james douglas? James, you are the primary speaker, so you would have five minutes. Are you shannon douglas? All right. You're going to take your three minutes after his five minutes? Okay. Go ahead. You have five minutes.

My name is similar (indiscernible), I'm here to represent shantie. The street circles out, it goes out to another part of the area. It doesn't dead end at all. My client would like to rezone light retail use for a donut shop. The -- I have a hard time keeping things in my head and reading right, so bear with me. The property is north, west, east, and south are community zoning. Commercial zoning, I'm sorry. And the west side is zoned for light retail. That is basically what i know about it. The neighborhood wants to turn it into a donut shop so he can have the neighborhood for the people in the neighborhood to have something to do for early in the morning before they commute to work. He wouldn't allow any more than 200 cars to come in per day, and it would also be accessible because it goes around and out on one end. Thank you very much.

Martinez: Thank you. Welcome. You have three minutes.

Okay. My name is shannon douglas. My client is son thai. As he said before, he does want to make this property into a donut shop, coffee shop. He's also stated that most of the neighbors have stated that they wouldn't be opposed to this. They would actually like it. That way they wouldn't have to drive very far to go and have breakfast before they do commute to work. He is aware that all four sides are commercial zoned and that there's a couple on the opposite side of parmer that are also zoned for light retail. I know the limit i believe is about 300 cars for traffic, but he wants to limit that to 200. And that's all. Thank you.

Martinez: Great. Thank you, miss douglas. Council, is there a motion? Councilmember morrison.

Morrison: Question for staff. Could you -- this sounds really familiar. I mean, I know that it's been postponed. It was first on our agenda a year ago and then it was postponed indefinitely and now it's been postponed many times. Do you know what was causing all the postponements?

I think the applicant had some just scheduling conflicts. I remember one time there was a chi emergency that he had to rush home, I know, to tend to the child. I think there was a confusion on one of the nights that he actually thought it was postponed to a different evening. The other two or three times, I should say, i don't know exactly the rationale why. I know the last two postponements we had let the applicant know of the meeting. And it may be that he was seeking another t to represent him on this

case.

Morrison: It also sounds familiar, i think, because I think we recently had a case on limerick really maybe just across the street from here that was looking for some upzonings that we denied, if I recall.

There was a request that was denied I know across parmer lane that was requesting n.o. Zoning, and that was not granted. The adjacent properties, I think the closest one that might be nearby, -mu that was recently approve odd a tract of land that was zoned single-family. But this property is already zoned n.o. Today.

Morrison: And staff is recommending denial. Could you talk a little bit about the basis of that recommendation?

That's correct. Right now access would not be allowed to parmer lane. This is a little different than some of the properties that you see to the west. They're sole access for a lot of the tracts that are zoned Ir that have been most recently considered I think in the '90's. There was one that was actually considered in 2004 that was granted with Ir zoning with some conditions. Their sole access is taken to parmer lane. This access would be limited to limerick, which goes back towards a residential neighborhood. It adjoins properties to the south and property to the west that are , although the property zoned to the west probably would have the option of getting more intensive zoning because that property as well has only access to parmer lane. The property across the street, which is a considerable distance given the width of parmer lane, is no-mu and the property to the east that was granted zoning in the mid 1980's is owned Ir without restriction.

Morrison: Thank you. Mayor, I'm going to move approval of sap's recommendation -- zap's recommendation, which is denial. I think that the constraints on this property really show me that the -- it's best to keep it zoned at the lower intensity of n.o.

Mayor Leffingwell: Councilmember morrison moves denial of the rezoning request. Seconded by the mayor pro tem. Is there any discussion? Councilmember spelman.

Spelman: If this were zoned Ir and the applicant pz decided to try to put up a donut shop or coffee shop or something like that, obviously they don't have -- they have very limited in their capacity to restrict the number of customers they have. Except by serving really bad coffee perhaps. I don't think they want to do that. Do they -- what would happen if they did not have sufficient parking, if the parking met our restrictions, but they did not have sufficient rking to handle the traffic?

If they didn't have -- well, first there would be a requirement to provide parking, and it would have to be on site because even under this category, you would have to find off site parking or they would have to seek a variance. That's not to say that people could also park on the street. I believe in this case if it is bakery that would be approximately one space or I think 275 square feet.

Spelman: Is approximately 1200 square feet?

Given the trip limitation, they could only build a building that's approximately i want to say only about 2,000 square feet would be the maximummize of the building that they could construct given the number of trips they would be limited to.

Spelman: Even if they increased the size of the structure from 12,000 square feet to 2,000 square feet, they would still need to have six parking spaces?

Yes. They wouldn't need that many given the size of the facility.

Spelman: Okay. Is there space to put in six parking spaces in the facility and still stay under the impervious cover limitations?

They could because it allows 80% impervious cover. So they would be allowed for enough impervious cover to have parking on their property with that use. If you went to a lesser designation like the that was suggested, the impervious cover then drops to 60%. So they would lose 20% impervious cover.

Spelman: What would be the harm then in rezoning this for retail use?

I think the main issue that staff had a concern was dealing with access, is that since access would be denied at parmer lane, the only access then would be to the residential street that comes out of the neighborhood on limerick. And it would make it more difficult to get in and out of this property. You would actually have to come in to limerick and then make another right to get into the property if you're going eastbound. Going westbound it would probably be similar no matter if you were making a left turn into the neighborhood and then turn right into the property as opposed to just coming directly off of parmer lane.

Spelman: It's difficult to get to. What problem is that going to pose for the rest of the public?

Well, generally just getting in and out of the subdivision you would be competing with people leaving. For instance, at rush hour people were coming in. In the morning people leaving subdivision trying to make left turns and right turns on to parmer lane. The business would then have difficulty probably people trying to come out and make a left turn on parmer lane, unless they wanted to turn and go right and go back through the neighborhood and come back out on another street to avoid trying to make a left on to limerick during the rush hour of people leaving the subdivision.

Spelman: Okay. So the problem here is if we zone this limited retail, even with the small number of trips per day, a small number of parking lot spaces, we might be tying up traffic on parmer lane, which is a busy street which is highly congested, especially during rush hour?

It may not be a difficulty on parmer lane, it would be difficult trying to get on to parmer lane.

Spelman: We might be causing difficulties --

during different times of day.

Spelman: For people getting on to parmer from limerick.

Mayor Leffingwell: Further discussion? Motion on the table to deny? All in favor of the motion say aye? Opposed say no? It passes on a vote of six to zero with councilmember cole off the dais.

Mayor and council, our next case is item number 108. Item number 108 is case c-14-2010-0034 for the property located at 2500 west william cannon drive. This is a zoning change request from lo-co to lo-co to change a condition of zoning. The zoning and platting commission's recommendation was to grant lo-co district zone to go change the condition of zoning to allow a restrictive covenant for a traffic impact analysis. This property was originally limited to 2,000 auto trips. Also there's a restriction to prohibit access to elford drive and that would remain in place. The property was originally zoned in september of 1986 and the property owners entered into a restrictive covenant with the southwest austin neighborhood association, which generally covers this property. The construction standards restrictions, there was provisions limiting the property to single stories or 18 feet in height. The property is primarily developed with professional offices and medical offices, and there's a desire to allow for an increase in trips to 2,509 trips per day to allow for medical office use, more medical office use than professional office use, which requires more parking. The site again is lo-co. The properties to the north are single-

family, single uses, zoned sf-2 and sf-3. To the south is lo-co. To the east is sf-3 and to the west is lo and mf-2, which have offices and apartments. At this time I will pause and just let you know that there has been a petition that was submitted yesterday. We have not determined the petition percentage, so I cannot tell you if it was valid or not. We're only offering this for first reading consideration today in light of that. And I believe you have the applicant's agents here and a couple of people from the neighborhood as well.

Shade: This is always a really fun part of the evening. We need to introduce our guests today, but I have to do a callout for my daughter whose second birthday is sunday. I know she's watching, so happy birthday, emmy. I'll be home as soon as I can be. I love you. Joining us today is american rock band, the bright lights social hour. I see one of emmy's friends here, chief acevedo's son jake. You can be on tv, it's okay. With their unique sound that incorporates rock-n-roll, indian soul, the bright light social hour were named best indy band at the austin music awards. Every live show is spring training and their reputation as grown from their performance at the 2009 austin city limits music festival. After recording in austin this summer they just released their due bay album simply titled the bright lights social hour. They will be touring nationwide in support of their album throughout 2011. Please welcome the bright lights social hour. [Applause] [??music playing??] [??music playing??] [applause]

Shade: Thank y'all so much. So a couple of questions just for those that are watching to find out a little bit more about y'all. Do you have a website?

We do. The brightlightssocialhour .c c om.

Shade: So that's where we would be able to find out how to buy your new album?

Yeah. You can buy it straight off there. Our blog is up there, all that.

Shade: Thank you. Where can we see you perform live besides here on channel 6?

We're playing next thursday, 101 showcase at stubs junior. And it's a three dollar cover.

Shade: That's great. So we can buy your music an line, listen to your music online and listen to you next thursday at stubs. That is great. We appreciate you coming out to perform today. I do have a proclamation that I get the honor of reading. I'll present that to you now. Be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent stretches to every musical genre and whereas our music scene thrives because austin audiences support good music produced by legends, local favorites an newcomers alike and whereas we are meed to showcase our artists, now therefore on i behalf of lee leffingwell mayor of the live music capitol do here by proclaim SEPTEMBER 23rd, 2010 As the bright lights social hour day. [Applause] thank you again.

Thanks.

Shade: Best of luck on the new album. Really appreciate it. Thanks.

Mayor Leffingwell: This proclamation is really about family health and fitness. Back in january of this year I was at the u.s. Conference of mayors in , and one of the keynote speakers one day was michelle obama. Some of you may have heard of her. And the topic of her discussion, this was her initial rollout of her campaign against childhood obesity. And it was very moving speech and it was the beginning of a movement I think that's going to continue to grow in strength. And she said some things that stuck in my brain and that I still remember. One thing she said is that fully one-third of all children are considered obese. That's right now. And she said we're moving rapidly in just a few years one half of the children in the united states will be obese, considered obese. And then she went on to say, you know, it's not just appearances, it's a major health concern. And she said, just recently obesity had replaced lung cancer

as the number one killer outside of accidents in the united states of america. And that's how important it is. And hopefully her campaign will be successful. We've tried to do what we could here on a local level, we've engaged the mayor's council on fitness, and I have behind me here lou earl, who is the chair of that organization and he also publishes a magazine called austin fit. And he's worked long and hard. He's totally dedicated to this issue and so the mayor's council on fitness is taking this on as one of their auxiliary issues to work to publicize efforts to combat childhood obesity. And I would also call to attention behind me is my wife, julie bowers, who has agreed to step forward and do what she can, and she's done a lot of work in trying to coordinate public relations efforts and work with the mayor's council on fitness to promote this idea to get the word out there. And we're going to do more as time goes by to work hard on this issue. So I want to recognize them with a proclamation which reads, be it known that whereas this month has been declared by the president and by congress as the first annual childhood obesity month and whereas one-third of american children are overweight or obese, increasing their chances to suffer from diabetes and other chronic obesity-related health problems like heart disease, hoop and cancer -- high blood pressure and cancer and whereas the mayor's council's mission is to inspire team to improve their fitness by encouraging physical activity and good nutrition and whereas the mayor's fitness council will be an active participant in first lady michelle obama's let's move initiative aimed at reversing the trend of childhood owe beatsty within -- obesity within a generation. Now therefore I lee leffingwell, mayor of the city of austin, texas, do here by proclaim september 25th, 2010 as austin's family health and fitness day in austin, texas. [Applause] so now I would like to bring up the chair of the mayor's fitness council, lou earl, to say just a few words.

Thank you, mr. mayor. Well, we're on behalf of the mayor's fitness council board, we're absolutely delighted to take on this opportunity with the mayor's office and julie's help. Over the last five years we've been focused primarily with our partner certification on the work sites. More recently in 2009 and '10 we've been working with a number of large and small and medium employers here in austin under our business group on health and leadership initiatives to try to do best practices collaboration with local employers. And this adds a new dimension to our foc. We're very excited about it and we're very passionate about this cause, so we appreciate the opportunity to work with the mayor's office to make a difference in this area. Thanks. [Applause]

Mayor Leffingwell: Thank you, lou. We'll take a picture over here in a minute, but I neglected to mention when I was up here before that councilmember lara morrison has also been working hard on this very issue, coordinating a lot of efforts through various city boards and commissions to find out what we can do to help with this problem. I wanted to recognize her. And since she's not here, I'll just recognize her. There she is. Okay. All right. Thank you, lara. [Applause]

Mayor Leffingwell: It's my great pleasure tonight to recognize an austin original national, truly, niki sullivan. [Applause] niki is retiring after 37 years with the austin fire department. Come on up. [Applause] I will go into some of his character defects in just a moment, but first I want to mention that niki's family is a fire firefighter family. Literally his brother jake is a retired austin firefighter. His brother tim, late brother tim, was an austin firefighter. And his brother david is still an active austin firefighter. Mike is not only a native of austin, he's a native of clarksville. Kind after unique mace in austin. [Applause] people in clarksville when they have a problem they call a sullivan. That's their watch word, call one of the sullivan boys over here to take care of it. In 1998 niki was awarded the medal of valor, which is the austin fire department's highest honor to protect other firefighters during a fire on east riverside drive in austin and well deserved, niki, and -- easy. You will get to speak in a minute here. Yeah, after you. So one of his duties as an austin firefighter has been to serve as a trustee for 12 years with the firefighters pension fund, and he's also been in the bargaining units for the austin firefighters meet and confer contracts for the city of austin. So I want to go ahead and read this distinguished service award and let other folks have a chance to get up here and say something good or bad about niki. I didn't point out too many character defects. He's also an accomplished rower, though, that's a good thing. [Laughter] so the distinguished service award reads as for his untiring service and commitment to the citizens of austin during his 37-year tenure as a dedicated firefighter in the austin fire department, lieutenant niki sullivan is deserving of public acclaim and recognition. You've had that for quite awhile actually, i think. Mike sullivan has fire fighting in his blood. He's one of four sullivan brothers

who have served in the austin fire department. His varied career includes position as a driver, pension trustee and a worker in the maintenance shops. Wherever he served he excelled. Mike was awarded the medal of valor for leading a team that helped fellow firefighters -- I don't have any specs on here tonight. To safety and was awarded the phoenix bar for multiple cpr saves. Mike was also active in taking the fire department to the community by participating in neighborhood events and educating austin school children. This certificate is presented in acknowledgment and appreciation of his devoted service this 23rd day of september in the year 2010 by the city council of austin, texas. Signed by yours truly and with a gold seal. Congratulations. [Applause]

congratulations mike. I do want to say a f word about mike, because while he is a dedicated public servant, firefighter, lifelong austinite, there's one thing about mike that he taught me from the first day I met him. He's a true trade unionist. He's a union man through and through. And if you want to know what the history of the austin firefighters union, this is the man you go to. His rookie standing behind her became the union president after i was union president. Without mike's friendship, without his guidance, his support, sometimes his strong arm, which we certainly needed, we wouldn't be where we are today in the austin fire department. I owe mike a debt of gratitude. I personally do believe that part of the reason I'm here as the mayor pro tem of the city of austin is because of things I learned from mike. And the activism part of the fire service. People don't realize that everything that is fire fighting is decided upon by an elected official, either here, at the state or at the federal level. Mike knew that. And mike worked those circles as hard as he could to gain the best pay and benefits and retirement for firefighters that he possibly could. And we all owe mike a debt of gratitude. Lastly I'll say that mike is always one to have a good conversation, but i really didn't know mike was a diabetic when we first met. He would come into the union hall to talk to me and he would keep talking and I would think that he was in deep contemplation, and then that's when trudy told me -- trudy said you've got to go get him a coke. It really shocked me, but mike had -- he's suffered actually and struggled through his diabetes, but we've all been here when he needed us. Thankfully somebody was watching him one day and the lord was watching over him on lady bird lake. He had a seizure in a canoe and someone witnessed it and we had to call the fire department to come rescue him. So a few of us got medals for saving him. Congratulations, mike. [Applause] coirks laura morrison, but also mike's neighbor. I wanted to mention that not only is mike an esteemed firefighter and leader and union man, but he's also a rower. We have the rowers in the back. He's also a neighborhood advocate. We have neighborhood folks over there as well as a family man. So mike, we'll see you around the hood. [Applause]

Shade: I have to also add that he's just a really nice guy. Everybody likes him. I'm also a neighbor and really good friends with some folks that have really grown up knowing him as their -- from childhood on. And you know, he's just a great guy. Everybody in the neighborhood loves him. And I'm really pleased that we're recognizing you. You deserve it big time. Thank you. [Applause]

Mayor Leffingwell: Now we'll introduce the man of the evening, lieutenant mike sullivan. [Applause]

thank you, mayor. I want to start out by saying thank you to the entire city council and the mayor and the hundreds of people who came before you. I have the deepest appreciation for austin. It's a great place to live. I was born at old brackenridge and I've lived the rest of my life at 78703. And it's almost true when I say I've never been outside the city limits. [Laughter] we got a great public safety net in austin. We have a great fire department. And I hope I've contributed my little bit to what all the austin firefighters do now everyday, every night, every weekend, every holiday, every car wreck, every fire, ice storm. They do it 24/7. And it's been really great for fully two-thirds of my life. Now I read how public employees are often retired for as long as they work and I hope that's true because i would like to be retired for the next two-thirds of my life. [Laughter] I went to an imagine austin presentation today over at st. David's church and frankly I can't imagine what they were talking about for the next 30 years in austin. I'm glad we have a mayor and a city council that are able to plan and look that far ahead because I can't. I can't imagine what things are going to be like. And planning is what makes it happen. And my part is just trying to keep austin weird. [Laughter] but I'm an austin guy. And people used to call my neighborhood west austin or clarksville and now they call it downtown. That's just what's happening. You know, I walked over here this afternoon. I ride my bike around town. I row in lady bird

lake. In fact, this morning i rowed down lady bird lake and back and on the way back I stopped out in the lake right out here because I know the council, all their windows face the lake, and I thought somebody might see me, so i always stop and wave. [Laughter] if you guys see a skinny man in a skinny boat waving with all of his fingers, not just one or two -- [laughter] -- that's me. But I want to finish up the same way I started. Austin is a wonderful, wonderful place. I hope to spend the last two-thirds of my life here. I appreciate the support that merit and the council have shown for the fire department and for public safety in general. I'm proud that I was able to do my part. It's been a great career, it really has. It's been pleasant, it's been adventure, it's been a lot of personal fulfillment. I look forward to an active and involved retirement in austin. If I could change anything in my life, i don't think I would. Thank you. [Applause]

Mayor Leffingwell: I want to welcome tonight a group of translators, people who help facilitate our cultural life and our business life and our economy here in austin by helping to translate documents, books, facilitate foreign visitors who come to our city and need assistance with speaking the language. It so happens here it's just a coincidence that all the folks behind me here are spanish translators, but I know personally, I know someone who does -- makes a living translating german and someone who does that for italian. So there's a large group and active association here in austin. Most of you probably didn't know that. So we're here to recognize them tonight. With a proclamation which reads as follows: Be it known that whereas international communications are integral to the development of mutual respect among the people of the world and robust business relationships between nations, international businesses -- international business relations depend on the use of language specialists to facilitate understanding and cooperation and whereas the austin area translators and interpreters association actively promotes global business and speml relationships through collaborations with the greater austin chamber of commerce, the city of austin international program, the international hospital hospitality of austin and the international center of austin and others. And whereas we are pleased to join aatia in celebrating their 25th anniversary of facilitating international communications for the people of austin. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim SEPTEMBER 25TH -- 23rd To the 30th, 2010 as international translators week in austin, texas. Congratulations. [Applause] I think esther diaz is going to come up and translate something for us. [Laughter]

thank you very much. Thank you very much to all of you for -- and to the city council for recognizing the translators and interpreters here in austin. Translators work with written documents, interpreters work with spoken communication, and we have both in our group. We have members who interpret in court, who interpret for health facilities. We have people who translate written documents for business purposes, but also for some of the great nonprofit organizations here in town. We have in the past provided proceed bone know services for organizations like safe place and the girl scouts of central texas, and this year we are providing written translation for austin habitat for humanity. So we are very proud to be part of austin's international scene and we want very much to help austin make a splash on the international arena. We are affiliated with the international center of austin. We hold monthly meetings that are open to the public. Anyone who wishes to come. And yes, as the mayor explained, those of us who are here work with spanish, but we have members who work with arabic, french, german, italian, russian, japanese, chinese and vietnamese. In fact, our colleague here who is taking pictures for us is a vietnamese interpreter. We welcome all languages. We promote and support the professional translation and interpreting through professional development, education, outreach and networking opportunities. And we thank you very much for recognizing our participation in this great city of austin. [Applause]

Mayor Leffingwell: Mayor pro tem mike martinez will make the next proclamation.

Martinez: Thank you, mayor. It's an honor and privilege to present the next proclamation. With me is lisatate and her staff or many of her staff members who she'll introduce because i don't know them. What we're celebrating here is 30 years of early childhood intervention in the austin area. And these folks behind me are the ones that provide that service to the many families and children that are needing of that service. I'm going to present them with a proclamation on behalf of the mayor and the city council and then ask lisa to say a few words. The proclamation heed reids, be it known that

whereas for 30 years texas families whose children have disabilities or disability delays have been served by eci or early childhood intervention, a statewide program focused on helping children to reach their potential, and whereas four eci programs, any baby can, austin-travis county integral care, bluebonnet trails and easter seals central texas, currently serve the austin area and have helped thousands of families and children with disabilities. And whereas specialists providing services to these young clients include speech language pathologists, physical and occupational therapists, dieticians, social workers and early intervention specialists. Now therefore I lee leffingwell, mayor of the city of austin, texas do congratulate eci on its many accomplishments and do here by proclaim september 25th, 2010 as eci day in austin, texas. [Applause] do you want to say a few words?

Thanks, y'all. I'll just say real quick that those of us who are here, and there's a lot of us here that have done this work for a long time. We love what we do and we love working with children and families here in the austin area. As mayor pro tem martinez mentioned, 30 years ago eci came to be in texas. And it resulted out of a grassroots effort by a small group of parents of children with special needs dedicated professionals and legislators who worked tirelessly to get texas to provide the services to help parents who desperately needed help for their children. Over the past 30 years, tens of thousands of families in central texas have been helped and been benefitting from the texas eci services. Going forward is with the support of the community and our partners that we continue to have the resources to serve our most vulnerable austinites. These yowj children needing special services and support from eci. Research shows us that the growth and development in children is most rapid during their early years of life. The earlier their needs are identified and addressed, the sooner they can catch up with their peers, eliminating the need for more costly programs as children grow older. Early intervention services and the supports offered by eci truly are an investment in babies today for a better texas tomorrow. Thank you. [Applause]

and with me here today is joy dillman, she is the program director from bluebonnet trails mhmr. Lori ready, who is the program director for the infant parent early childhood intervention program. I'm lisatate, program director. And this is marcello and allison and ellen. Thank you. [Applause]

Morrison: So now I'm going to be scroind from some folks from the greater austin creative alliance. La tee fa who is the executive director, susan, vice-president of the board, and the staff. So we have a really exciting month coming up, and that's national humanities and arts month. And we are really fortunate in the city of austin and in the region to have the creative alliance to really help us all focus in and get out and enjoy art in october. This is the third annual get your art on month that we're celebrating with this great group of folks, and it's an opportunity and encouragement for everybody in the city to get out and experience art in some form or fashion because I think we all need to keep in mind. We get so busy with our lives and trying to keep up with things that if we just take a little bit after breather and have a little bit of life -- a little bit of art in our life, things are always a little bit better. It's also an opportunity for those of us who are not artists to get out and encourage and support all the great work that our artistic folks do. So I'm delighted to be able to read a proclamation that says be it known that whereas month of october is recognized nationally and celebrated locally as national arts and humanities month and whereas the city council recently endorsed the create austin cultural master plan in an effort to create a vision and strategies for austin's overall cultural development. And whereas the greater austin creative alliance in partnership with the city's cultural arts division is sponsoring the third annual get your art on to heighten awareness of the arts, culture and creativity in austin during the month of october. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim october 2010 as national arts and humanities month and the time to get your art on in austin. [Applause]

thank you very much on behalf of our organization, the greater austin creative alliance. And also on behalf of our wonderful creative community. We're very honored by council and mayor leffingwell and all of you for this particular day. Our arts community, our creative community in austin is -- brings in a 2 billion economic impact to the city. So it's something to be nourished and we hope that you will all get out and get your art on. We have a special supplement that came out today in the statesman and it should be around in lots of places, which lists everything going on this month in all our wonderful museums, our galleries, our theaters, our dance halls, our movie theaters, lots of places, and the clubs.

And the streets and the parks. Everywhere there's someplace to get your art on. And we also list a lot of places where you might not know where you could go and take a class or throw a pot or learn to sculpt or quilts, including food, the art of food. So we hope that you will have a wonderful time this month really tasting all the wonderful treats in austin. And I would like to now ask our -- introduce to you the vice-chair of our board of directors, seuss san thomasson, who would also like to speak on behalf of our board and our organization. Thank you very much.

Mayor leffingwell, councilmember morrison, councilmembers and friends of the arts, thank you. I'm delighted to be here today on behalf of the createty alliance board to thank you for recognizing the importance of arts, culture and creativity in our community. And for recognizing the outstanding work of the director and the staff of the greater austin creative alliance in organizing austin's get your art on. Celebration in honor of national arts and humanities month. I especially want to thank councilmember laura morrison for presenting this proclamation today and for the wonderful work she and all of you have done in support of the great austin cultural master plan. It includes advocacy and key support services to individuals and orgs across all creative disciplines, was one of the top three recommendations of the master plan. And next month we celebrate the first anniversary and the progress we have made in realizing the goals of the create austin cultural master plan. The collective vision you share with us today is truly nurturing and fostering the culture of creativity. We want to help thrive and keep alive in our community and in each of our hearts. Thank you. [Applause]

I just want to introduce our staff. (Indiscernible) who is in charge of all our wonderful sponsored projects. And a lot of the emerging arts groups. They all know anne marie because that's who they have to talk to it get on our radar. And jessica thompson. Jessica is now the director of ticketing service at austix, but she is the one who planted the idea of get our art on in our hearts when she came here three years ago. Thank you, jessica. And also mitch, who is new to our organization and is in charge of social media. So watch out. Thank you. [Applause] why don't you come on up. Earlier today the city council approved a resolution to start trying to work with pharmacist all around the city of austin to develop a program so that we can have people take back their medicines, their unwanted medicines, their prescriptions, return them so they can be disposed of safely and environmentally correct. Just as we were starting to talk about how to do this in the city of austin we found out that the dea was coming to town and partnering with the police to do a take-back day, pharmaceutical take back day, and that happens to be saturday, so it's been really great partnering with the dea to get word out. I think greg will probably give you all the details about it, but we wanted to recognize the great work and how fortunate we are to have this program come to town. It's going to be hopefully an annual event. And we'll bring any and everything to dispose of, so hopefully we'll be seeing this every year, but for this year I wanted to recognize the work and the partnership with this proclamation. Says be it known that whereas the improper disposal of expired and unwanted prescription drugs is a growing problem that affects our citizens and is a potential environmental risk, and whereas, unused medication in the households may be contributing to the rate of prescription drug abuse, especially among teens, and discarded drugs may end up in drinking water or in our waterways affecting aquatic life, and whereas the drug enforcement agency is sponsoring a national drug take-back day on september 25 and have partnered with the city of austin to provide a local dropoff at austin cornerstone church where residents can safely sphaos of unused or expired medications, including controlled substances. Now, therefore, i, on behalf of lee leffingwell, the mayor of the city of austin, texas, do hereby proclaim september 23rd, 2010 is pharmaceutical take back day in austin, texas. [Applause] congratulations. So this is greg thrash with the dea.

Welcome. I just want to say how thankful I am to the city of austin, to you, morrison, and to our police chief, art acevedo, who have developed partnerships with dea, with federal drug law enforcement, that are second to none. You can rest assured that in austin, the city of austin and the surrounding areas, but particularly in austin, there is no problem with connecting the dots as far as law enforcement and drug law enforcement. But we do observe one of those partnerships today and that is the pharmaceutical drug take-back, and what we wanted to do is just give you an idea of what it really is about. Dea -- dea has two sides to it. It's an enforcement arm and then there's a regulatory side to dea, which actually controls all of the aspects of the manufacture and distribution of pharmaceutical drugs. This campaign is directed at the take-back of unused, expired and unwanted pharmaceutical drugs that

are sitting in our medicine cabinets that we do know are causing us a major problem. September 25 from 10:00 a.m. at five locations around the greater austin area, the largest of which is the cornerstone church, we will be taking all of the pharmaceutical drugs that are unwanted and expired. No questions asked, the program is absolutely free and totally anonymous. You can find more about the program and more about the locations around the city of austin other than cornerstone church at dea.gov. The reasons for the program are twofold. Real briefly, first is to properly dispose of the prescription drugs that are unwanted. Many times they are placed in landfills and end up in our watersheds, so this program will actually properly dispose of those by incinerating. And secondly is to create a public awareness as to the problem with prescription drug abuse today, particularly with our young people. Real quick, I just want to give you a snapshot of what the problem is. Currently -- or current studies reveal a 400% increase in the abuse of prescription drugs nationwide, and austin is not exempt. Nonmedical use of prescription drugs is now the second favorite drug of choice, eclipsing cocaine and methamphetamine, lagging only behind marijuana. Whereas marijuana was always the drug of choice for first time drug users, now it's prescription drug abuse. And lastly and probably most importantly, and actually probably one of the really reasons for this program is that 70% of the children -- of our children that abuse prescription drugs admit that they got them from their parents' medicine cabinet or from their family or friends, making us as parents or relatives really unwitting sources of supply. So not only do we now have to deal with mexican cartels that are just four hours from the city of austin, the only do we have to deal with extremist cells and al-quaida, terrorist cells, we're now facing an epidemic of prescription drug abuse, particularly with our young people, which will in turn fuel a black-market for the trafficking of such. So by participating on the 25th of september in the drug take back campaign, you'll strengthen our communities by making our homes safer, you'll eradicate the sources of supply of potentially addictive and harmful controlled substances and in partnership with law enforcement and community groups such as the city of austin, we'll get a handle on this problem before it actually becomes an epidemic that we've seen in the past. So again, thank you, morrison, thank you, chief acevedo, for your partnership and leadership, and we're very appreciative on behalf of the dea for this proclamation. Thank you. [Applause] now I think we'll hear a couple words from the chief.

Thank you, I want to thank you for your leadership and enthusiasm on jumping on board on this really important program. I don't want to repeat everything but the bottom line is we do have a problem, we do have a challenge, and those challenges are growing our kids up, letting them grow up safe and assign and hopefully being successful, and we know that this program will help us eliminate the opportunity, the opportunity for kids to get high on the drugs that we unwittingly are providing to them. And secondly, just as importantly, just with respect to the environment here, is protecting our environment. And so to the dea I want to say thank you for inviting us to the table. Greg is a very humble guy, but I will say that from my perspective our relationship with the dea has only strengthened since your arrival and it's a great deal of your leadership that led to our designation of ahida, and I want to thank you for that because now we know we're not just combatting illegal drugs but combatting this issue in our homes. So congratulations, and congratulations to mayor the mayor and the council and your colleagues for help on this vital issue. as I mentioned, we're going to be working on getting a program like this going in the city, so it's all over the city all year long, and I want to thank you council member riley and council member cole, who co-sponsored that resolution to get that kicked off. Do you want to say something?

I'm so glad to be a co-sponsor of this resolution and I want to thank council member morrison for taking the initiative on this and the partners of the dea and the apd for helping us with this. You know, we've been working for some time here at the city to take a more thoughtful approach to the waste stream that is coming out of our households across the city, and it's not always easy to figure out exactly what we should be doing with products as they leave our house, and it takes a cooperative effort with partners who can help us figure out the best way to dispose of things to get to the best solution for the whole community. And so I'm so grateful to everyone who is helping us with this and invite -- invite everybody whoz interested to attend the events that are planned and to tune into this issue and to be much more careful with how we dispose of these products. So thanks so much to everyone for their partnering.

Morrison: thank you. [Applause] and this is the last proclamation, so the council meeting will resume in a

few minutes as the council members gather, but we'll get a picture. Sean cummings outparcels .

mayor leffingwell: and we will take up item 108 with the presentation from the -- I believe we're ready for the applicant, right, mr. guernsey? yes, mayor and council. [inaudible] here representing the owner so I'll turn it over to bennett and take the applicant's presentation.

Mayor leffingwell: okay. Welcome, mr. bennett. You have five minutes.

Thank you, mayor and council, I'm jim bennett and I'm here on behalf of the zoning change that's before you. guernsey indicated to you, this zoning change is for a project on west gate boulevard. The property is currently developed with a site plan, building permits. Buildings are built and complete. There's some site work. The total site should probably be finished about mid-october. There's a conditional overlay on the property that limits it to 2,000 trips a day. We've done the tia, which has gone before the staff and the staff has approved it. The staff is recommending the zoning change to -- the planning commission -- I'm sorry, the zoning and platting commission has recommended the change as well. Initially when this project was built it was thought that perhaps 45% of the site would be used for office use and the remaining 53, more or less, would be used for medical. As the units have sold it's turned out that they've received about 83% medical versus the 17% professional office. And seeing the future that's the reason we've done the tia, the trip limitation on the tia will be 2500 and 9 square feet versus the current 2,000 square feet. Nothing on this site is going to change as a result of the conditional overlay change that's before you. There's a private restrictive covenant that's in place. This change will not have any effect on that covenant nor the site plan nor the building as they are constructed, which has gone through the building review process and the inspection process. This is simply to adjust the 2,000 trips. I'll be available if you have any questions. Questi questi ons for the applicant? Thank you. We'll now -- anyone else -- I don't have anyone else signed up for, so we'll go to those signed up against. Mark walters? Let me -- robert herst in the chamber? Okay. Robert is here. Pam utsler? All right. You have nine minutes.

Thank you, mayor, mayor pro tem council. My name is mark walters and I am here in my capacity as a citizen, property owner, in interest of full disclosure I am involved by the city of austin's planning and development review department but my job duties do not include general zoning cases or site review. I want to be here I'm here as a citizen representing myself, my household, as well as the views and interests of many of my a little background, the existing zoning is lo-co and there is an -- it's existing restrictive covenant due to the result of a good faith negotiation in 1996 between the property owner at the time and the neighborhood and -- and the neighborhood association at the time as well as the neighbors that about the property. However, as is customary, neither the current property owner nor its agent have bothered to talk to us. Hasn't called us [inaudible]. The conditions agreed to by the neighborhood and ledge legislated by the city council in 1976 as guernsey indicated limited the trips to 2,000 per day, limiting the amount and scope of the project, and prohibited vehicular access to the neighborhood via alfred drive which is now stub street. Other agreements, no building shall exceed 1 story or 18 feet. Here is the project in question, 2500 william canon. And that, council, is a one-story building according to the applicant. Actually, it's a two-story building, maybe legally, technically, it's an attic space. I don't know. I call that a two-story building. There's another picture. Another picture, two-story buildings. Here's one under construction, looks like a two-story building to me, and if it is just for storage, why would you put a window that you can open if it's not meant for human occupation? It's not a storage, it's a two-story building. Following the zap hearing where chair baker indicated that this looked like a duck and spoke like a duck and walked like a duck, that indeed it was a two-story building, and she was surprised to learn that it was not a two-story building. Well, following that the web site changed. Previous to that meeting had this information on top that said that you can have this finished out storage space and that you could have up to 2,000 square feet of storage space. Again, why the -- why does storage need windows? I don't know. I do have have copies of the web page available prezap and post-zap where he's changed the materials, and at that meeting he said in good faith these were not to be used for habitation, they weren't finished out. And they say there's a restrictive covenant saying if you buy property here you can't build a two-story but what incentive is it to have a property owner on the same site sue another one when they can all have two stories. They have contended that they're not parked -- they don't have enough parking spaces, but in this part of austin the code allows

you to have great surplus parking. So you could park two stories. There's not a problem. People make improvements without pulling permits and doing what they're supposed to. Unfortunately it happens all too often and I think this situation is setting up for this to happen. Once he's done with this project he's going to go on and make some other neighborhood miserable. 6-Foot tall privacy fence will be maintained by the owner. That's maintenance, that's more maintenance, that's the maintenance behind my house. The fence [inaudible] and that was part of the restrictive covenant and he hasn't upheld that. The restrictive covenant says you shouldn't have two stories. And there's just been a general disregard for the law and the neighbors. He's already violated the existing zoning once by illegally removing the traffic bar year on Alford Drive and taking vehicular traffic. He poured concrete in back 00 in the morning and when I called his site manager, asked why are you pouring concrete, and he said, well, that's when the truck showed up, and laughed. And he routinely received building materials in the middle of the night. I've been awakened more than once by hearing metal and rock and stuff being dumped on the site. In the middle of the night. One of the things he did for a while was wasting water. He put a connection to a hydrant inappropriately, it was not secured right. So hundreds, if not thousands of gallons of water rushed into the street, and it was below the tap, so he wasn't being charged for it, and this is the middle of a drought. And his construction vibrations, which routinely 00 in the morning, which is within the law, but it routinely damaged nearby houses and personal property, while going out and talking to my neighbors getting positioned signs, one lady said, I called him and said -- this is an older lady, maybe 75, 80 years old, she said her duplex was damaged by the vibrations and when she talked to the applicant he just got nasty with me. So I'm asking, council, could you support the neighborhood's 1996 agreement, it was negotiated in really good faith and support the request of 25 property owners and homeowners, send the message that bad behavior won't be rewarded and we need to meet our obligations and play by the rules. I'm asking you on the part of myself, two neighbors as well as other neighbors, please deny this and send a message that when you buy property and their conditions, you need to stick to them or at the very least come and talk to us, instead of just disregarding us and abusing us. If you have any questions I'll be happy to answer them. I don't know if Robert has anything to say, but thank you for your time. I do have copies of the web site. Thank you. No one else signed up to speak against, so the applicant has three minutes of rebuttal.

Council, relative to Mark's comments the restrictive covenant that's in existence right now does not change with this 2,000 trip limit. Additionally, our attorneys, William McLean, also has put a notice to all the people that are purchasing a unit informing them that they must comply with the restrictive covenants in particular end point 17 of the covenants which identify the space as attic space. Additionally, the City of Austin plan review people when we got the building permits and the inspectors when we did the inspections inspected as attics. Additionally, the assistant director, Don Bikler, has gone out to the site with his inspection team, and they have inspected and indicated in written form that these are attics and they are not living spaces. They are not floor story and those are one-story buildings according to your code, the city code, and as designed by the architects. Relative to the windows, the windows in most cases are only there for pure aesthetics. Some of them are operable because they happen to be -- the windows there were on sale. The majority of the windows are fixed windows. Additionally, during construction you will have noise if you live close by, you're going to hear some kind of noise most likely from any construction site that's going on. It's unfortunate that whoever was responding to those complaints didn't do it in a polite manner. However, as I indicated, the issue before you tonight is changing the TIA or the trip limitations, doesn't affect the site plan, nor does it affect the construction of the buildings that are already built, nor will it be allowing two-story buildings. The buildings are one story and that's it. I think I've tried to cover most of the issues that Mark had. Do you have any questions? any questions?

Yes, Mayor. Council member Spelman. The restrictive covenant specifically limits you to 2,000 trips per day; is that correct?

Nos.

Spelman: it does not?

Nos, the restrictive covenant is about ten pages, and I can get you the highlights. It does have some performance standards [inaudible] the access. I don't believe the covenants get into -- the private covenants don't get into the trip limitation.

Spelman: okay. Well, help me. I must have misunderstood. Where did the 2,000 trips per day limit come from?

Came from the conditional overlay on the ordinance when it was passed.

Spelman: okay. So what you're asking for is changing the conditional overlay from 2,000 to 2509.

That's correct. why can't you stay under 2000? Why do you need to get to 2500?

These are condo units, council member, and we are selling the units for the medical doctors' offices, if you will, and the market is driving that up so that originally, as I indicated when we built the project we anticipated it would be 45% professional office and about 55% medical. The sales have indicated and continue to indicate that we're going to be about 83% medical and 17% professional office. When you do the traffic analysis on it, that throws you above the 2,000ps.

Spelman: right.

And so that's what's initiated the tia, which indicates 2509 trips, i believe. so if you continue selling units at the same rate you have, both medical and general office buyers, you're going to end up going over your 2,000 trip limit and you're trying to cure that today.

That's correct.

What affect will the additional 509 trips going to have on the congestion on william canon?

I don't know if there's a traffic reviewer here today but according to the traffic report in the backup material on william canon -- growth rate estimated by campo, 2% per year [inaudible]

and 2% for brodie and westgate. Those are the major streets around there. If you look just ahead on the medical use, it's 270 and professional is 239. That's what's generating the 2509 trips. And that's where you peak in a.m.s. I don't believe that they actually give us a total number for william canon or for any of the streets in the tia. I show william canon as being a failing street or e 4 f street [inaudible] for 2005 and 2008. Sounds like putting more -- even more cars on william canon [inaudible]

william canon is an arterial street, four lanes, with turn lanes as well as medians, and when our traffic engineer, robert haas presented to the city, the city staff didn't see a problem as far as the analysis. That's the reason that they've approved the tia. [inaudible] suggest anything you can do to cure or mitigate the additional traffic you guys are going to be bringing?

I'm sorry, councillor staff staff did the city staff suggest anything you can do mitigate the additional traffic you'll be bringing --

we're looking there's an intersection improvement in william canon, which is the street to the west to have a left turn lane into william canon, and we [inaudible] for that to occur, our portion of fiscal for that. that was the only requirement they were making?

Yes, sir.

Spelman: thank you. Anythi anythi ng else? Council member riley. back in 1996 when this property was rezoned to its current zoning, the property owners at that time stopped the support of the southwest austin neighborhood association, which they eventually obtained -- sought the support, and the current zoning and the conditional overlay and the restrictive covenant that we discussed, part of the -- part of the conditional overlay, as you mentioned, was the limitation of 2,000 trips per day. So we're now going into just potentially making a significant adjustment to one of the terms of that agreement back in 1996. So can you tell me, has -- has the current owner sought the support of the neighborhood association for this request?

Council member riley, the owner is here, sean cummings, and I probably -- I'll be glad to ask him.

I would point out to you that in addition to the 2,000 trips it was added that no access to alford drive, that was a part of that ordinance, those were the two stipulations. If you will, I'll ask cummings to address that question.

Riley: okay. Thanks.

My name is sean cummings. I'm the developer of that property. We've never gone to the neighborhood association to speak to them about [inaudible]. There's a little bit of mischaracterization of the process. I've been involved in this piece of property now for almost nine years. When we bought the south track we developed the first 45,000 square feet on that side and the north side is 75 square feet. When I looked at the pipeline on this particular piece of property, met with staff, and asked staff what to do about the tia. [One moment, please, for] but that can't be done. There are letters that are ised botas a part of the contract, as a part of the restrictions that go with the condominium that say no second story office space. And then mark -- I was sending all that information to mark with a message, if you've got questions or something call me back. I never heard from him again until a year and a half later when he's out there beating the drum about the most evil guy in the world. By the way, the pictures of the fence, pictures of the fence were dead end into my property. We repaired that fence a number of times. The neighborhood association goes through and kicks out the fence. That's the story of why we never approached it, because at the time there didn't seem to be a reason. And by the way -- I'm sorry, something else that was mischaracterized. The parking issue. The reason we picked 83% medical and 17% office is because I actually have enough parking for 1 to 200 cars for 83% of the project, and it is 17% of the project is going to be limited -- already is pretty much limited to office, to just administrative offices. So 83/17, that extra 500 trips a day, there's parking there for it under the city -- under the city guidelines.

I think you said the neighborhood association has been kicking out the boards in the fence to get through to william canon?

The owners -- the people who are cutting through are the people in the neighborhood association behind. They come down alford and they use alford as a shortcut to get to william canon, I guess to access -- I don't know, I don't know why they do it, but they do it, and they're the ones who are kicking it out. We're not kicking out the fence, we're not tearing our own fence down. We don't use alford for traffic. That's also another mischaracterization. The barrier was taken down in order to do the work that was required in the seth for the water and wastewater. let me just ask you this. When I went back and see all of the agreements that were reached in 1996, it appears to me what we had was some communication between the property owner and the surrounding neighborhood to see if there could be some mutual accommodation, something where both sides would come out with some gains and each - - you know, everybody could live with each other and be happy. When I hear you say that there are some folks in the neighborhood behind it who want to secure access, i mean, I can understand that because often there are -- it is frustrating to have barriers like that where you can't -- you've got a whole commercial strip that you can't -- that's right by a neighborhood and that you can't -- you can't

conveniently access, so i could understand why the neighborhood -- why at least some folks in the neighborhood might have an interest in at least pedestrian access or bicycle pedestrian access, and often that's what we have when a neighborhood doesn't want access. Or we end up with an agreement where the property owner says -- both sides agree they will allow bicycle pedestrian access and that's just one sort of an agreement that can be reached when you have two parties working cooperatively to try and find some mutually acceptable common ground.

I don't think -- i really -- I can't speak for them. I don't really think that's the issue. I mean they're wanting -- and I'm not suggesting -- excuse me, i didn't ask a question. All I'm suggesting is that the only way you can have conversations like that is when -- is when a property owner is seeking some change in his property rights, reached out through the neighborhood and initiates a cooperation and the two sides work cooperatively to see if they can find something. For instance, one property owner might agree to maintain a fence, and in exchange the owners -- the neighbors might agree to some increase in entitlements. There's a give and take, a conversation about how both sides can benefit from the changes under discussion. And so all I'm -- I guess i am leading up to a question, and that is, would you have any interest in having a conversation like that with the neighborhood to see if there is some update to the previous agreement where you might agree to various things and the neighborhood might agree to live with various things and maybe both sides could find some common ground that they can live with.

The answer to your question in short is, i don't think I do. I mean, the question has been posed, or the proposition has been made that somehow I've neglected to speak to the neighborhood association over the course of the last seven years almost eight years I've been building this project, and that's not correct. Yes, we've had complaints about people pouring slabs 00 in the morning, and you know what? I'll admit, that's the one thing we're guilty of, okay? 00 in the morning. And if you've ever poured, you know, 40 trucks out in june, you have to pour it at 6:00 in the morning. And we're guilty of that. We're not guilty of anything else that he said. We're not guilty of somehow stealing water from the water meter or anything else. The question -- the problem riley, is that now after all the buildings are built, six on one side and eight on another side, now he's saying, okay, you know what, we want to sit down and talk with you or we have a problem with the way you built your buildings. They're finished. They're done. I mean, you know, so what do I give to him? And the premise, too, is that somehow I've just taken and taken. I've given -- I've given easements to the austin energy that I didn't have to give as part of the site plan so that they could maintain that row of trees back there. So all those trees that are sitting back there along that fence line are there because I gave austin energy the right to go back there and bury all those overhead lines. Otherwise those trees get cut down. Okay? I looped the water system, spent \$140,000 increasing the water supply over there. I mean, I've fixed the drainage that used to drain back in that back corner. I mean, the thought that somehow we've damaged them, we've maintained a 30-foot vegetative buffer zone.

Riley: okay. I think I heard your answer as to my question. All right. council member morrison? I have a question for staff, I think it's for staff. If traffic -- if access is limited to william canon now or if, in fact, it's accessing alford drive --

well, no, there's no access for alford and there would not be under the existing conditions or the ones that are proposed under the new ordinance. That access still would be prohibited. so -- but I'm talking about what's actual -- is the actual -- i walters' testimony that the access was -- that the traffic barrier had been removed. Is that something you just don't -- I'm not aware that vehicles are going back and forth, and certainly mark can speak to that. I think there are -- the barrier itself was damaged. I think that was in one of mark's photographs. I don't know if that's been repaired. maybe I could ask mark if he could clarify that.

Counsel, during construction he took the barrier down, removed it without permission and removed the fence and was driving a truck in and out. During that time the road alford was not dug up for water.

There's no patches there. I don't know why he was doing it but -- is the barrier replaced now?

He put it back after about a week and a half or two weeks. It's still a violation of zoning. No vehicular traffic doesn't mean it during construction or after construction.

It's a violation of the restrictive covenant, not the zoning.

And the zoning, no, it's a violation of the zoning. They are not allowed to take vehicular traffic to Alford, and that's -- why is it in the restrictive covenant, then?

Then it's probably a violation of both, and to the water, it was leaking below -- but it's back now?

It's back, but he was violating that.

Morrison: okay. Thank you.

Council member, if I might, paragraph a to the covenant limits the ingress and egress to William Canon. That's in the covenant. All drives should be permanently paved, parking lots shall be paved. We have about a half mile of frontage along William Canon that has four driveways. That's our only access point, per the covenant, per the CO, per the site plan.

Morrison: right. I was just trying to clarify what had been said in the testimony about --

early in the ball game I'm not sure who might have crossed Alford to get in. It is not our intent, it is not endorsed by us. Anything else? That's everyone who has signed up to speak, so this item is ready for all three readings. Pardon? Mayor, staff, we'd only offer this for first reading. We were in receipt of a petition yesterday with 21 signature parties, but given the lateness of the receipt of the petition, we haven't been able to calculate if it's valid or not. So we just offer this as first reading only, and then we will come back and bring this back at another day after we have that petition calculated. Thank you. So first reading only until they determine the validity of the petition. Is there a motion?

Mayor, I feel a little bit like I'm standing on the Titanic and watching the iceberg in the distance. I'm still consumed by morbid curiosity as to what's going to happen next. So with that in mind, I'm going to move approval on first reading only, mostly because I want to know what happens next. Council member Spelman moves to close the public hearing and approve on first reading only to see what happens next. Is there a second? I will second. Any further discussion? Council member Riley? I'm afraid I'm not going to be able to support this motion. Although I share Council member Spelman's curiosity and I'm tempted to vote yes just for the sake of seeing what happens, but I really -- I'd be happy to support a postponement if -- if the -- if the two sides have any interest in engaging in a dialogue to see if something can be worked out. We are essentially changing the terms of an agreement that was reached back in 1996, and we're changing it on a unilateral request of one side to that agreement. What we see here is, I think, a pretty good case in point as to why it often makes sense to encourage a dialogue between a neighborhood and a property owner, because often there are circumstances affecting a property that are of mutual interest and concern to both the property owner and the surrounding neighborhood, and only through a dialogue between the two sides can you make meaningful, helpful improvements that can result in both a viable project and happy neighbors, and I think it's regrettable that that kind of dialogue has not taken place here. It seems to me if I were the owner of this property and I were trying to change the term of the agreement that I had reached -- that the owner -- that a previous owner had reached with the neighborhood governing this property, then I would have reached out to the neighborhood to see what we could work out, and if I had made improvements to the property, then I would point that out to the neighborhood and say, look, I'm doing this and this and what is it that we could do as a property owner to be better neighbors to you. And you could have a dialogue. I'm not suggesting that the neighborhood should get everything it wants, but there are certain things that

can be -- that a property owner can do to be a better neighbor and so that kind of dialogue can result in a -- a more livable neighborhood and often a more successful property, because you wind up with the property that is just aesthetically better, in many cases, often just a more convenient, safer, a more successful property. So anything, I think I would have liked to see a dialogue here. I'm still open to a postponement if the sides are interest in that, but in the absence of that and any kind of dialogue I'm going to have to vote no. council member spelman?

That sounds very much like the following friendly amendment, that although we approve this on first reading, we probably won't approve it on second and third reading in the absence of a dialogue between the neighborhood and the owner. And we won't want to hear this until at least the 28th of october to actually allow them to have that dialogue. Do I understand that friendly amendment appropriately? I'd be happy with that friendly amendment, although I hesitate to climb on board, in the absence of any willingness on the part of the two sides to engage in conversation. If there's no interest to engage in a conversation it's useless to have a postponement to allow for conversation. is there an interest in that conversation? There certainly is on the dais?

We can certainly -- the proper response a while ago was yes, we'll be glad to try to meet with them, but council has to understand that some of mark's complaints were in the construction stage, we're beyond that. But we have no problems trying to meet with them to see if there's anything else we can do to perhaps mitigate some of their concerns, but the thing about the truck coming at 6:00, it's happened. We can't do anything about it, those kind of issues, but any substance thing that we can do during this dialogue we'll certainly approach and be glad to try to accommodate.

It sounded to me from walters' presentation there's plenty of things for you guys to talk about.

Well, we will certainly explore them with him. The southwest neighborhood association is who the covenant was with. I think mark's folks live behind it. I don't know if that encompasses the whole sawana, or mark is a division of the sawana, but we will certainly try to meet with them and see if we can work something toward those things that we can that haven't already occurred that we have no control over at this date.

Spelman: thank you.

Mayor? council member morrison. I think that council member riley articulated the issue very well, that once you craft a delicate compromise agreement, if you start unraveling it you can't just pull one thing out, the whole thing can fall apart. So I agree with him completely. As I read the restrictive covenant, my understanding that any property owner within 300 feet has the right to enforce the restrictive covenant, not necessarily that they're parties to it, so that i walters actually lives within 300 feet, and these other folks. So they're definitely interested parties in the restrictive covenant. What I'd like to do is offer a -- I don't know if this can be a friendly amendment, but I -- I want to offer a substitute motion, I guess, in the effort to be able to craft a motion that council member riley can vote yes to, and that would be to postpone this for one month so that we can allow that conversation to happen, and clearly I wouldn't be ready to vote yet. I'm very uncomfortable voting for [inaudible] to postpone it, so I prefer to see it postponed. So that's my substitute motion. Substi substi tute motion for council member morrison to postpone until october 28. Is there a second to that? Council member riley. Any further discussion? Let me just say that I've heard the this story from the neighborhood folks and a long recitation of things that were done wrong, and while those are certainly minimal, they are really anecdotal and not germane to the zoning case, but certainly they can be discussed in a private negotiation between the developer and the neighborhood as we go through this next month, and hopefully we can arrive at some common ground. So with that public hearing would be open under a postponement. All in favor of the substitute motion, which is to postpone until october 28, say aye.

Aye.

Mayor Jefferingwell: aye. Any opposed say no. Postponed until October 28. Thank you, Mayor and Council. Our next case is item no. 116. This is case C14-2010-0122, for the property located at 2203 South Lamar Boulevard. It's at the intersection of Kinney Road. This is a zoning change request to commercial liquor sales. Currently the property is zoned general commercial services or CS zoning. The property in question, the area being rezoned is only about 3,000 square feet, and it's intended for the construction of a new building. The applicant seeks to relocate an existing liquor store, which is the proposed use, from an existing location to this location. The existing liquor store is located at 2418 South Lamar Boulevard. The existing zoning on the site, as I said before, is CS. To the north is CS and CSV, which has commercial and office uses. To the south is CS and office, and auto services to the east is single-family and zoned SF-3, and to the west is CS and service station, auto repair. The site does have a site plan that was released back in 2008 for this property. It was for commercial and office uses. We do have a petition that was filed by adjacent residents that would -- within 200 feet, it stands 74%, so it's shy of a 20% that would trigger a three-quarter vote of the city council, and that's in your backup material on yellow paper. It was recommended to you by the planning commission on a vote of 7-0 with a conditional overlay that prohibits a cocktail lounge use, and as of before, I said this is only for a liquor store. The proposal was to zone the footprint of the building and the back of the building to the CS-1 and leaving the remainder of the property zoned CS. At this time I'll pause. If you have any questions, the agent, Glasco is here, and I know there are members of the South Lamar neighborhood that are also present. Questions for staff? We'll go to the applicant, Alice Glasco. Steve Portnoy in the chamber? Khalid Sawya. Elizabeth Sayaya? Okay. So Alice, with your five minutes plus the donation of time, you have up to 14 minutes.

Good evening, Mayor and Council members. Thank you for the opportunity. I'm Alice Glasco representing the applicant. Guernsey just indicated to you, the property that is here for rezoning is to accommodate the relocation of an existing business. That is at 2418 South Lamar to 2303 South Lamar, approximately a relocation of about two blocks. The property that is up for rezoning is one that was recently redeveloped. Guernsey indicated that the site plan was approved recently, and its previous uses were automotive sales and a convenience store. The property was designed with two buildings. Dick Clark was the local architect, designed the buildings, and I must say it added to the improvement of this part of South Lamar. The liquor store that's going to relocate here is currently at 2418 South Lamar. It's called Chris's Liquor. It has been at that location for 15 years, and the store is -- lost its lease, the lease expired February of this year. He has been there on a month to month, and in the photos I've given you you have a map of the site that shows you the zoning for the current site and the proposed location. To your left side you have a list of signatures. There are 301 signatures of folks who have been for the last month that have come to the store. They have signed a petition in support of the relocation of the liquor store from 2418 to 2203 South Lamar. The site plan that was approved complies with all compatibility standards. The building that will hopefully accommodate this liquor store is fully compliant with compatibility standards. It's setback 25 feet. It's -- all requirements regarding compatibility standards have been adhered to. We've met with the neighborhood association. We -- at the request of the South Lamar neighborhood association when we first filed the case, we reached out for and requested a meeting that indicated that it did not appear to be a reason to meet, and they asked that as long as we agreed to prohibit cocktail lounges, then they would appreciate that, and we've agreed to a conditional overlay that would allow all CS uses and under CS-1 the only use would be allowed under CS-1 would be a liquor store. However, over time the -- there were additional neighbors to the rear of the property expressed concern in the South Lamar neighborhood association, with [inaudible] support, but still, we're still agreeing to a conditional overlay prohibiting the cocktail lounge. I just wanted to indicate -- summarize by indicating that the current site is zoned CS, and under CS we -- there are other uses that are allowed on the site, and given that this particular use is just -- zoning is going to allow an additional use, the traffic is not going to increase at all. A liquor store is open six days a week, Monday through Saturday. It's closed Sundays, so the 9:00 p.m. I conclude and thank you for the opportunity. I'll be glad to answer any questions you might have. Questions for Ms. Glasco? You gave back ten minutes trying to curry favor with the council. Thank you. So the next speakers are signed up against. Lorraine Atherton. Check on something here. Jeff Jack? He's not here. Michael Martin? Sally Merit? Sally Merit here? Okay. Are you here, Sally? Okay. Okay. All the way back there. All right. So Michael,

you have six minutes.

My name is michael martin, and I moved to austin in 1997 and purchased the property at 2210 kinney road in april of 2003. And I lived there until my position with hanger orthopedic group was eliminated in november of 2008. For 11 years in austin i worked as a [inaudible] so i worked with people who have had amputations fitting with artificial limbs, loved my time here in austin, but at the time when my position was eliminated in december 2008 I accepted an offer to transfer since joining a competing austin practice would have violated a no compete clause in my employment contract and fighting the no compete contract would have caused some trouble in a relatively small -- well, in a very small industry that is dominated by my present employer. So I held on to the property at 2210 kinney road with plans of returning to austin after the noncompete expired. As the owner of the property next door to 2203 south lamar I was excited when i learned that the property owner at that location was interested in developing the property. I assumed that any new development would be an improvement over the used car lot that occupied 2203 south lamar since I came to the neighborhood. I understood it was zoned commercial when I bought the house, but anticipated similar to the new businesses that I patronized along south lamar. I was surprised when i received a letter from the city of austin, a notice indicating that the prospective tenants were seeking to have the zoning changed to allow a liquor store. Concerns of public intoxication, noise, littering, intimidation, littering, traffic safety as well as property and violent crimes immediately came to mind. I submitted a written objection to the board as i received the notice from the city and began to research the issue. I found three separate studies that conclude that my neighborhood alcohol outlet density is associated with higher rates of crime, and they're included in the package that I provided to you-all. And if the proposed zoning change is passed there will be three cs-1 zoned properties within just a couple blocks of my property, not to mention there's a couple drugstores that recently began selling beer and wine, along with a shell station nearby that also sells beer. The study findings show a clear association between alcohol outlet density and violence. The studies were connected in camden, new jersey and there was some concern that would not necessarily -- that that might not necessarily apply to the same situation in austin. A more beneficial studying for comparison purposes was in cincinnati, but there were some folks that I had communicated with that expressed some concerns regarding even how applicable those studies were. So I went back and started checking some more, and i actually found a study that was conducted in 2004 in the city of austin and san antonio that showed the same correlation. And I think it's important to note that the current chris's location is likely going to remain a liquor store, or at least it will retain its current cs-1 designation, and my understanding is that the original owner of chris's, chris petropolis has indicated in meetings with other sla members his intent on opening a new liquor store in the old building. Regarding current safety concerns, things are already a little sketchy along my stretch of south lamar. In the five years that i lived there I made at least two calls to 911 and several calls to 311 in my time at 2210 kinney. The first calls were when my home was burglarized and the second was when I witnessed my neighbor's truck being broken into. The numerous 311 calls typically involved people who were intoxicated or emotionally disturbed out in the street in front of my house screaming at someone. Similar concerns regarding loitering of intoxicated individuals were recently voiced by a neighbor at the corner of kinney and iva. And also worth mentioning are recent comments from bob thompson with the south austin -- south lamar neighborhood association related to recent home burglaries, including ones at night and including burglaries of occupied homes. More over, these have been concentrated on the north end of the south lamar neighborhood association where my property is located. Several on roberts, cinnamon patd, del curto and kinney road. These have not yet been assaults but they have been brazen enough to produce assaults. I opposed the zoning change from cs to cs-1 for the development of 2203 south lamar based on the fact that granting the cs-1 zoning will increase the neighborhood alcohol outlet density, which has been shown to have an effect on crime and put a liquor store next door to single-family homes that don't want it there. I ask that the studies be considered as they relate to crime, quality of life and the zoning changes in this case. So I've got 30 seconds left. So I just wanted to mention that I do miss austin. I was here for 11 years. My girlfriend is from taylor, and we do intend oncoming back to austin at some point and hopefully we'll return to 2210 kinney road. thank you, michael. nancy MacLaine?

Could I ask a question, mayor? council member spelman. what is the alcohol outlet density for your

neighborhood?

What is the alcohol outlet density? Well, I -- as far as -- there's currently three cs-1 -- well, if this zoning goes through there will be three cs-1 zoning within just a couple blocks. The current chris's location, the one just adjacent to my property and then one down a little bit further where the -- i believe it is the -- the -- there's a birds barber shop, yeah, right there at that intersection, and there's -- recently there's a cvs and walgreen's that have begun selling alcohol, beer and wine at the corners of oltorf and south lamar, which is just a short walk from my place, and then there's another one at the corner of bluebonnet and south lamar, which has also recently begun selling beer and wine. And so we're concerned about that, about the increasing density of alcohol outlets as they relate to safety in the neighborhood. so I understand there's a correlation here. I'm just wondering, what's the sequence which causes this to happen? Do you get more places where alcohol is sold and that's going to be an attractive nuisance? You're going to get more people with evil intent are going to come to your neighborhood because there are alcohol sales there?

Well, as far as -- i don't know that the studies have proven exactly what the connection is as far as why it does occur, but they do show that -- but they do show that there is a correlation and I'm not sure about answering your question. well, I agree with you that there may very well be a correlation that is not actually a causation. So it could be that alcohol outlet density is a result of -- well, maybe not a result of violence but a result of people who indulge in violent behavior being in a neighborhood, because they also drink and not necessarily a cause of people indulging in the violent behavior. I wondered if you just had a story for us for how this particular liquor store or any liquor store would lead to more violence in your neighborhood. That was really what I was getting at, sir.

No, sir, not beyond the experiences I had on kinney road that i mentioned.

Spelman: all right. Thanks. nancy MacLAINE. Come on up in the order you want and give me your name when you come up. Bob thompson, linda thompson has offered to donate time to you. Is linda in the chamber? Okay. So, bob, you will have six minutes.

I'm appearing -- I'm bob thompson, a member of the south lamar neighborhood association zoning committee and appearing in that capacity. Put the -- the next slide before the map. The real question which you should be considering is why should upzoning to cs-1 be approved. Could you slide that down a little bit where it will show on the top? In other words, the burden should be on the applicant to justify the upzoning, not on the neighborhood to justify keeping the present zoning. The reasons that it should be approved are not because the prospective tenant is a nice guys or that the owner is a nice guy or that the owner's agent is nice. The neighborhood agrees with all that, but those are not justifications for improving the zoning, nor is there a necessity for the zoning to be upgraded because the neighborhood has a shortage of liquor or alcohol sales outlets. There is no shortage and i will try to address the question that was raised just a moment about that later on. And finally, it should not be upzoned because this tract is appropriate for a liquor store, because it is not appropriate since it is next door to single-family residences and has very difficult traffic access being located on the south side of lamar. To turn the question around, the problems with cs-1 liquor store zoning are that the nearest single-family neighbors fear this zoning, don't want it, and they are entitled to be able to rely on the present zoning under which they bought their property. One reason that they fear it is because of the crime that they've experienced and knowledge of the correlation between liquor outlets, density and violent crime incidents, and in this correlation it is the surrounding residents that tend to be the victims of the violent crime. Appended to the handouts that I passed around at the rear are some emails from our - some of our neighbors from this summer discussing some of these crime incidents that have occurred. And finally, there are adverse traffic issues attendant to a liquor store on this side of lamar with high 5:00 to 6:00 p.m. Traffic and no traffic light available to facilitate left turn to people that would be wanting to resume their southbound journey away from the city. And therefore would be tempted to go through our neighborhood. Can I have the map, please? This is a copy of the zoning map, the third slide. The south lamar neighborhood, you first might know that south lamar runs primarily east to west in this

vicinity. Our neighborhood association is to the south of south lamar. The -- our neighborhood has about 7500 residents and occupies about 8/10 of a square mile, if you don't include the triangle north of -- or south of manchaca. The kind of pink or red colored properties are the present cs-1 zonings, and the one -- the subject property labeled as 2203 is the one that's seeking cs-1 zoning. There's only a short one-half mile distance between chris's present location and oltorf where the cvs store is located. The presently available alcohol or liquor outlets are the ones that are written in red here, the chris's store, the walgreen's, the shell service convenience station on the north side, the cvs and then if this cs-1 upzoning is approved there would be a fifth outlet at 2203, and that would make the second liquor store, because the present location of chris's is going to remain a liquor store. In addition to these outlets which you can buy and carry your way liquor off premises, there are six to eight bars that offer liquor in the half mile stretch. There are one or two tattoo parlors and one adult lingerie shop. Besides all of these outlets which are concentrated in this half mile steven, there -- stretch, there are several other liquor stores located near the boundaries of our neighborhood association. But the predominant concentration of liquor availability is up here on the north edge and that's what concerns us. We're not wanting to get rid of any of these presently existing facilities, but they provide adequate and ample supply of alcohol to anyone that would want to partake, and we don't want new outlets and we're concerned about new outlets because they carry with them an increased probability of crime. I have enclosed in my packet a few excerpts from these studies with some underlined highlights. There were three studies in four cities, camden, new jersey, cincinnati, ohio, austin, and san antonio. They were done all within the past nine years. They all got consistent results, which lends confidence that the results were probably correct. The methodology is to look at statistical correlations. The researchers would examine typically census track data, coupled with police department data about incidence of violent crime and census track data would typically encompass one to a few thousand residents. Our neighborhood would consist of two to possibly three census tracts. And is my six minutes up? what time -- thank you.

I would just ask you to read the underlined portions of these handouts that i gave you, and notice that -- next speaker, please. nancy MacLAINE, NEIL PERRY OR Sally merit.

My name is camille perry and I live within 500 feet of this new building which they are wanting to change the zoning on. I'd like to thank you in the beginning for your time and consideration that you have given and are still giving to this zoning case. This case is not about whether or not we need a liquor store. We already have one very close by, and they do plan to stay there. This case is about location. Location, location, location. I am working on a valid petition. As was mentioned, I have 74% at this time of the 20% area required, which 26% to make it valid. One person I called returned my call to say he would be back in town friday and hoped that he would not be too late. I had some others that have also expressed interest. I hope all of you will be able to put yourselves in the shoes, so to speak, of mike, who is opposed to having a liquor store next door to his house and most people would not want a liquor store next to their homes if you asked them. I also hope that you would take into consideration the views of the other neighbors who have expressed their objection in writing but who are unable to be here. And to those of sally merit, who is here, but donated her time to mike. State law and city ordinance stipulate that a liquor store must be at least 300 feet from a church, school or hospital. This location is sandwiched between a dental office, medical and a single-family home, and there are school age children living within 300 feet of this property. Even if the law does not prohibit it, and this is on a smaller scale, I hope that you will still consider the principles behind this ordinance in determining whether or not cs-1 zoning only needed for a liquor store or a cocktail lounge is an appropriate zoning change here. I don't think so. The peak time of business, as was mentioned before, for 00 in the evening. That's the same -- that's the peak time of business for the people in my neighborhood to be walking their dogs, pushing strollers. We don't have sidewalks so they will be sharing the street with people that are doing the cut-through traffic that was mentioned earlier. They will be using iva, the street I live on, crest and del curto to get to the light at bluebonnet. The angle of the streets there is an acute angle. There's no traffic light. It's -- I'd like to say that I would like to see a location there that would serve people of all ages, not just those 21 and older.

Thank you, ma'am.

I think it would be better for the neighborhood, and thank you.

Next speaker is nancy MacLAINE. Welcome, nancy. You have three minute.

Hello, I'm nancy MacLAINE. I live at 2302 del curto road, and I am chair of the zoning committee for the south lamar neighborhood association. There are a lot of sad stories here. The property owner at 2203 has invested to upgrade the property with two lovely buildings, but these are, as we know, hard times, and apparently it's not easy to find tenants who qualify for the uses allowed by the zoning he bought with the land. The owner of chris's liquor store is having problems with his current landlord. I sympathize with him. Sounds like he's agreeing a raw deal and I hope he gets redress through the courts. But the property reaction is not to spread the raw deal to the neighboring families. The property owners near iva and kin I bought their properties knowing they are near to or next on a strip of cs zonings. They knew there was a specific list of uses -- specific businesses that could come in and they would have no standing to object. But the request for cs-1 is extraordinary, and they do have standing to object. Why should they suffer negative impact on their property values and safety issues that you've heard about in order to accommodate the difficulties of these two other business men. The business people are asking for a gift, a bailout, one that not only solves their current problems but also actually enhances the value of their holdings for the future. A double win, but not, of course, for the homeowners. They would get penalized. Granting a cs-1 zoning should never be done lightly. Once it's there it isn't rolled back later. It's definitely zoning the dirt. It's a permanent solution to a temporary problem and the families nearby pay the price. They didn't ask for this fight, they are asking for this council's support. We ask that you please vote against this zoning. We would like to note that we have a petition in progress. We went ahead and turned it in a little early because this case manager asked us to, but we do have at least one more, maybe two more signatures, people who have said they'll sign, but they can't do it until, like, this weekend. So if we had known that the trick was to turn it in on the morning of, then that would be good. So we hope that you're only going to consider this for a first reading and not all three readings tonight. [One moment, please, for]

thank you, mayor. There was certainly a lot of items raised that I'll try to respond to them as best as I can. And given the time i have. What's being passed around is a contractual obligation between the current landlord at 2416 -- the current location at 2418 south lamar. pet I maynot have enough copies, you may have to share. I thought I had enough copies, but if you don't have one, please share. This is a contractual prohibition against petropolis opening another liquor store at that location. So if you were kind enough to zone 2303 south lamar cs 1, that petropolis sold chris' liquor store in that document and all the did will that goes along with it. And our attorney for this property indicates that that is a contractual prohibition against him opening a liquor store at that location, should chris' liquor store number 2 relocate to another site. Also as a practical matter, a third party would not open at a former chris' because of obligation competition. It's just too close to have another liquor store. I would also like to add that the three cs 1 zoning that you have on the property, natural's is directly across from the current liquor store. It's zoned cs 1. It's not used for liquor store. So the other two cs 1 properties that are zoned cs 1, they are used for other uses other than liquor store. So I just wanted to clarify that they're not used for liquor sales. I would also like to indicate that the liquor store currently, chris' liquor store is the only liquor store between fifth and lamar and ben white on south lamar, the only liquor store between fifth and lamar, if you drive on south lamar, on fifth and lamar, all the way down to ben white, it's the only liquor store. Now, the other businesses obviously, you know, sell beer and wine, but they're not liquor stores. I would also like to show you the map. The character of the neighborhood, of the current location is very similar as far as the makeup of the residences as a proposed location. I would also like to -- also refer you back to 3901 signatures that i just handed you earlier, the 301 signatures that I gave you, if you look at the signatures and their addresses, these are not folks who live in the neighborhood, so I'm hoping that obviously they're residents in this neighborhood and as far as crime goes -- [buzzer sounds] -- we all experience burglaries throughout the neighborhood, in my neighborhood we've had has come out and talked to us in northwest hills. And it has nothing to do with

having a liquor store nearby.

Mayor Leffingwell: Thank you very much, miss glasgo.

Thank you very much, mayor. Appreciate it.

Mayor Leffingwell: Council?

Martinez: Mayor?

Mayor Leffingwell: Mayor pro tem.

Martinez: Just wanted to ask staff is this prepared for all three readings tonight or is it just first and/or second?

Mayor Leffingwell: One.

Martinez: First reading?

Yes. We are prepared for three readings tonight, but you could do three readings or one reading.

Martinez: If there are no motions I'll make -- if there are no questions, I'll make a motion. Go ahead.

Mayor Leffingwell: Councilmember riley.

Riley: There were questions raised about other properties in the area that although not zoned CS 1 are nonetheless selling some alcohol. This site is currently zoned CS. Are there -- could a convenience store locate on a CS lot?

They could and they could actually -- you could have businesses that would sell alcohol if they sell more food products than alcohol. You could even locate a restaurant that could serve alcohol by the glass as long as they're selling more food than alcohol.

Riley: So you could under the existing zoning, you could have an alcohol outlet on this site?

Yes. You could have -- whether it was by the glass or for off premise consumption. The difference would be, I guess, it's mainly limited probably to beer and wine sales for off premise. And if it was on premise, you could certainly.

Riley: Okay. Thanks.

Mayor Leffingwell: Councilmember morrison.

Morrison: Thank you, greg. I wonder if you could comment on the question that was raised about how common it is to have CS 1 zoning right up against single-family?

North lamar, burnet road, parts of congress, east seventh. There are many areas where you would have footprints of CS 1. In parts of east austin I think we've rezoned quite a bit of -- downzoned quite a bit of east austin, but there are still CS 1 zoning abutting single-family. I know that parts of north lamar this has come up and been a discussion. As council has probably seen, that's showing very liquor store or grocery store going from morrow I think going south. We've had some pretty volatile cases where that

has been an issue for the neighborhoods. It's not uncommon. It's not uncommon for staff to recommend cs 1 zoning when you have cs zoning already in place because of the number of uses that are already allowed. Inch there would be probably more of a concern if this was a cocktail lounge type of use. Although that triggers a conditional use permit and a review by the commission, your land use commission, whether or not it would be appropriate. If it's a liquor store, it has more retail nature than it would perhaps late at night with people coming and going from an establishment serving alcohol for on premise consumption.

> Following up on councilmember riley's question, if you had cs, and you open a convenience store that sold beer and wine, you could literally do it until midnight or how late? ?

I believe -- you could certainly sell it monday through saturday. I think you can even sell it on sunday after the noon hour. I don't think that's an issue. I don't know how late you could actually sell it, but as long as you're selling more food than alcohol, I believe you're in good graces with tabc and our regulation.

Martinez: If it fell under liquor sale operation it's a shorter window time frame?

Because of the alcohol being sold and it's mainly by the texas alcoholic beverage commission would allow them to operate in that manner.

Martinez: It's less trips per day.

There would be less trips per day than you would see with a convenience store.

Martinez: Or a restaurant that sold alcohol?

Restaurants do have a very high trip rate.

Martinez: So with all these things in mind, I certainly understand that there are some concerns, but the current chris' liquor store sits right adjacent to sf 3 zoning. And I haven't heard some major out cry, I haven't heard anything from those neighbors as to a poor operation or drawing in, you know, some type of undesirable elements to the neighborhoods. In fact, my son went to a day home there for his first four years, literally five houses from that intersection. So with that, mayor, I'm just going to take a stab at a motion and move approval of the zoning request on all three readings.

Mayor Leffingwell: Motion by the mayor pro tem to close the public hearing and approve on all three readings. Is there a second? Seconded by councilmember shade. Councilmember riley.

Riley: I'm going to support the motion. I've heard the concern about putting this next to sf 3, but I have to note that current -- it is -- yes, it is unusual to have cs 1 right next to sf 3, but it's likewise unusual to have cs next to sf 3, which we have already. And in fact, if you look at the definition of cs as compared with cs 1, they're both -- cs just has one sentence and this is the existing zoning on the site, general commercial services, cs district is the designation for a commercial or industrial use, a service nature that has operating characteristics or service requirements that are incompatible with residential visual impairments. Cs 1 is exactly the same, has the exact same first sentence, the on the only thing it it tacks on one additional sentence, it says liquor sales are allowed in the cs permitted district. So cs, in terms of the definition of the zoning. Cs 1 is no more hostile to a residential environment than cs. Cs does raise some concerns, but owners of the nearby neighbors were on counties that there were potential uses for this site that might pose some tension with residential uses next door. And in fact, in many ways the cs 1 may well be less intrusive than some of the yiewts you can get with existing cs zoning as the mayor pro tem pointed out. With cs you're subject to community stores and restaurants that would have later operating hours and greater traffic than the cs 1. So with all that in mind, I'm

supporting the motion.

Mayor Leffingwell: Further discussion? Councilmember spelman.

Spelman: I want to applaud the neighbors for having come up with an epidemiological study or two or three. It's rare that we see epidemiology show up in our zoning cases and I'm really happy that somebody came up with something. I was puzzled when I first saw that because I see a correlation that high and it seems to survive the usual statistical test. I need a story to go along with it before I will completely believe it, but it didn't take me long to come up with a story. The story doesn't have to do with liquor stores; it has to do with cocktail lounges and bars, and you get people in bars late at night having a bunch to drink, they will start beating people up. I think the correlation between alcohol outlets per capita is what that density measure is and the violent crime rate is having a whole bunch of bars open late. A liquor store is not going to be open late, is not going to attract people to get in fights with one another, at least not on the premise is because they have to buy their liquor and go home or go someplace else to do their drinking. It's very rare that people actually drink the alcohol that they buy in the parking lot of the liquor store. And if it does start to happen, and I never heard -- I have not yet heard that this happens in front of Chris' right now. If when Chris's moves to this location, if this were to happen again, there are things which you can actually do as the manager of that store to prevent that from happening with lights and music and the way you operate the store inside and so on. The police department has worked through mostly because they've heard of other places working through, means of managing these premises in such a way that you're discouraging people from loitering in front and actually posing a threat to the neighborhood. So I think there are some things that can be done about this. I'm going to be in support of this motion. Largely because I think Chris' has got to go someplace. We haven't got, as Glasgow mentioned, another liquor store between Fifth and is it Ben White, so we're not talking about an overload of liquor stores in this district. We may be talking about a fair number of alcohol outlets and they may be a concern of the neighborhood, but I think it's liquor stores that is really your biggest problem.

Mayor Leffingwell: Councilmember Morrison.

Morrison: Thank you, mayor. I'm not going to be able to support this motion. I think the neighbors have valid concerns. While Chris' may very well be a terrific store, it is very unfortunate if they're getting chased out of their current location, but the idea of zoning for a particular business, zoning some piece of property for a particular -- driven by a particular business is particularly troublesome to me. CS 1 zoning is really very valuable zoning and I've certainly seen things happen where yes, there's a condition on here so that only liquor stores are available, but the next thing you know there could be expansion -- we have seen expansions of requests and all of that, so I think it would really make sense to keep this zoning as it is.

Mayor Leffingwell: Anything further? Motion on the table. Is that councilmember Cole?

Cole: I wanted to make a brief comment that I will be supporting the motion. I understand the concerns of the neighborhood, but at the same time we always get into the situation of balancing legitimate legal uses against the concerns of the neighborhood. So I think in this case that the staff recommendation is appropriate.

Mayor Leffingwell: Thank you. Councilmember Shade.

Shade: I just want to add that I -- I also hear those concerns and -- but it isn't clear that the neighborhood is unified on this too because we've also heard from a lot of people who are in support of this. So I'm going to support this, recognizing that in many of these instances we have some neighbors who feel one way, some neighbors who feel the other way, and we recognize that we can't ever please the whole room.

Mayor Leffingwell: All in favor say aye? Opposed say no. It passes on a vote of six to one with councilmember morrison voting no.

Thank you, mayor and council. That concludes the zoning hearings for this evening.

Mayor Leffingwell: Thank you. So council, we have a number of annexation hearings and ordinances to approve. In fact, we have 11 of those. And they're kind of mixed up with other items. So if there's no objection from council, we'll take these three non-annexation items first and then all of the annexation at the same time. Beginning with item number 127. Is there anything from staff on this one? Any questions by the council? So we're considering item 127. Which is to conduct a public hearing and consider an ordinance amending the code to amend the dwelling unit occupancy for -- let's. Etcetera. There are no speakers signed up wanting to speak. So we're -- the floor is open for council discussion or a motion.

Motion made, seconded by councilmember cole. Discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero. Next item is item 132. Item 132 is to conduct a public hearing and consider an ordinance amending the code to add solar panels, etcetera, as exceptions to the zoning height regulation. There are no speakers signed up to speak on item 132. I'll sprain a discussion or a motion from council.

Cole: Move approval.

Mayor Leffingwell: Councilmember cole moves to close the public hearing and approve item 132 on all three readings. Discussion? Seconded by councilmember spelman. Thank you. All in favor say aye. Opposed say no. It passes on a vote of seven to zero. And the next item is the budget. The budget public hearing. We'll now take up item number 136 to conduct the second and last of two public hearings to receive comments on the proposed maximum 93 cents per \$100 valuation for fiscal year 2010-2011. The actual property tax rate will be adopted here in city council chambers on september 29th, 2010 at 9:30 a.m. On item 136 we have one speaker signed up, and that is joe jackson. jackson, you have three minutes.

Good evening. Can you hear me okay? Okay. mayor, councilmembers, distinguished guests, other elected officials that may be present here this evening in this council chambers, staff, fellow citizens and neighbors. Howdy and greetings to you this evening. My name is joe jackson. I'm 100% disabled american veteran, so i would ask you to bear with me please this evening. And I'm also a member of the progressive friends and neighbors within the del valle independent school district. My being here tonight is to speak against and not support item 36, 136, in support of the tax increase. Or more taxation by the city of austin. Now, with the time that I have allotted to me here this evening, thet let me try to enumerate for you some of the city of austin's troublesome and dead weight boondoggles, if I could call it that, please. For example, an approval of \$12 million was granted by count for a boardwalk somewhere in travis county, but where is it? Secondly, who is going to maintain this boardwalk? I suggest to you that this \$12 million could have been -- could have been allocated and given to the del valle independent school district to build another elementary school as part of the replacement cost of the schools moved out of the bergstrom air force base hazardous flight path. \$50 Million was also approved to change the direction of two blocks in downtown austin. Why so much money? How much money has been wasted on the cap metro commuter rail? mayor, I ask you where is the accountability and transparency for all these cost overruns? This past december the council gave the city of austin energy a rate hike approval and the question is why? My utilities has gone up as a disabled american veteran, but as I look at my tax bill statement, the taxes are there have gone up as well. About seven years ago the texas legislature published an announcement in the "austin american-statesman" for all municipalities within the state of texas, do not annex more highway infrastructure than they can maintain. I didn't write this, the texas legislature did. mayor, why more annexation and why more taxes or taxation from the city of austin? Can you get one slide up for me?

Mayor Leffingwell: You are out of time, mr. jackson. Thank you very much.

Thank you. Any questions, please?

Mayor Leffingwell: Questions for mr. jackson. Thank you. Mayor pro tem.

Martinez: Mayor, i just want to make a brief point of clarification. The money you're referring to on the boardwalk is actually a part of a bond package proposal, and that's up to the citizens to decide. It's not general fund money. And even if we don't build the boardwalk, we would not be able to allocate that money anywhere else because it's not voter approved. So that's pending in the november bond election if it's approved. That's the money that will go. It won't be necessarily this tax rate increase. It will be future bond dollars. mayor pro tem, may I have the opportunity to speak or to speak to that?

I was just making a point of clarification because you were asking us to take the money and spend it on a school in del valle and that's just simply not possible. You're not comparing what we're discussing today with what you're trying to ask us to use funds for. I just wanted to make that clarification. Thank you.

Mayor Leffingwell: Thank you. Is there anyone else wishing to speak in this public hearing from the proposed maximum -- on the proposed maximum tax rate? Is there a motion to close this second and final public hearing on the city's proposed maximum property tax rate? Motion by mayor pro tem.

Cole: Second.

Mayor Leffingwell: Second by councilmember cole. All in favor of the motion, say aye. Opposed say no. It passes on a vote of seven to zero. This final public hearing on the proposed maximum tax rate is closed. Council will vote to adopt the actual property tax rate for 2010-2011 at a special called meeting wednesday, september 29th, 2010 at in these council chambers, 301 west second street, austin, texas. So we will now go to our annexation cases beginning with item 123.

Good evening, mayor and council, my name is virginia collier from the planning and development review department. This is the first of two public hearings for the next nine full purpose annexation areas. The second hearing is scheduled for next thursday, september 30th at the george washington carver museum and cultural center. Council will not be taking action on these first nine items at either of these hearings and ordinance readings are tentatively scheduled for october tweath with december 31st effective date. I'll describe the areas in turn, however in general upon annexation the city will provide full municipal service to each of these areas, including the services currently provided by other entities such as the county. Copies of the service plans for each of the following annexation annexations are available this evening and I would be happy to send a copy to anyone unable to attend the meeting this evening. In compliance with statutory requirements, the draft service plan for each area includes three main components, first your early action program, which includes those services that would be provided in the area commencing on the effective date of annexation, including services that would be provided at the same level as comparable areas of the city such as police and fire protection, emergency medical service and solid waste collection. Also operation and maintenance of infrastructure at a level equal to or superior to the operation and maintenance of the infrastructure in the area prior to annexation. Such as water and wastewater facilities, roads and streets, street lighting and public parks and playgrounds. Second in the service plan is a section describing additional services which includes those things that the city provides regularly throughout the city, but are not required by state law such as watershed protection and development review, the use of city libraries, health and human services benefits, and anti-litter services. And then finally there's a capital improvement section which describes any improvements that would be necessary to provide municipal services in accordance with state law. So the first item is number 123, the bridges of bear creek, phase 2, section 2. This includes approximately 27 acres and is locate understand eastern travis county west of the intersection of fm 1626 and brodie lane. This area is currently and is adjacent to the full purpose annexion on the north southside. It

includes a 57 unit single-family subdivision in an adjacent section of brodie lane. I should note that as areas are annexed they receive interim annexations based on section 25-2-222 of the city code, so this would come in as interim sf 2 zoning. As I mentioned, upon full purpose annexation the city will provide services to the area. Copies of the service plan are available this evening and I would be happy to answer any questions you have on item 123.

Mayor Leffingwell: Questions for staff? There are no speakers signed up to speak on item 123. I'll entertain a motion to close the public hearing. Mayor pro tem moves to close this public hearing for item 123. Is there a second? Seconded by councilmember spelman. Discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

Item number 124 is the boulder lane area which includes approximately 18 acres located in travis county north of boulder lane at the intersection of boulder lane and foundation road. This area is also currently in the city's and is adjacent to the full purpose jurisdiction on the east, west and southsides. Development in this area includes eight single-family detached homes and again the city will provide full municipal services to the area as described in the service plan. This concludes the staff presentation for item number 124.

Mayor Leffingwell: Questions for staff? We do have three folks signed up to speak in this public hearing. John henzie? Correct my pronunciation if I'm wrong on that. Welcome. You're signed up against. And you have three minutes.

Thank you. It's dr. heinz actually. I appreciate it. I appreciate y'all's time too. I spend day and night working as a critical care physician in four downtown hospitals and to spend four and a half 00 appointment means that you all work at night as well. Thank you for your time. It's nice to finally have the opportunity to speak to you guys. The reason we wanted to address the council was to tell you a little bit about what you're voting to annex. 620 Oaks is a small 29-property collection of acreaged homes that was developed over 30 years ago. This little collection of homes was begun around 75, the hoa was begun around 1977, plus or minus a year. And those homes have maintained or grown in that character. It's been a very close knit neighborhood. It is just that. A group of neighbors. The road that the city limits sits on is boulder lane, which was built by the develop four 620 oaks. That was opened by the city to develop canyon creek neighborhood. Now we have too much traffic right in front of our house on boulder lane. What you're trying to do is to take -- what it seems like you're trying to do is to take nine of those families or eight homes in one of the property out of the 29. You're going to cherry pick the ones on boulder and facing part of foundation. Clearly without the ability to provide the services that your staff says they're going to provide. We know this because we've called the police for a traffic calming. I'm sorry, there's none available. is provided by the closest facility in cedar park area. Our fire is volente. Our power is pedernales electric. We're not hooked to the sewage. All I have to do is flip a switch and we can go back to the well. We do get city water, which we pay for. We're not really getting any kind of fair -- we're not getting any benefit from being annexed and we can go through that briefly if you like. We moved to 620 oaks four years ago to provide hippo therapy for our special needs son. I wish, mayor pro tem mike was here, because he announced today a proclamation for early childhood intervention. That's precisely what we do with our son. That's why we bought the property was to have the two horses on the property for hippo therapy for our son. As far as the early action program, we've called for more law enforcement. We can't get it because they said it's not available. Travis county is who serves our needs. Fire protection, as i said, is through volente. Solid waste collection, we have no need. We already pay for our own. As far as maintenance of roads and streets, both the current action and the proposed action plan by your staff indicate no need. Yet the county agrees that foundation road not only needs to be updated, but widened. [Buzzer sounds] we really appreciate your thoughts on this annexation.

Mayor Leffingwell: Thank you. Next speaker is amy krause. Amy is signed up against. And you have three minutes.

Hi. My name is amy krause. My partner and i purchased our home over 12 years ago in 620 oaks for the rural atmosphere. I grew up in the country between austin and houston and that's why we purchased here. It is a neighborhood with only 29 lots that range in size from one acre to eight acres. This annexation will affect only nine of the 29 lots. We are not a suburban neighborhood or subdivision. We have provisions for horses and several other provisions that are not permitted within the city guidelines. These nine lots are only being looked at for annexation because canyon creek, a major subdivision, happened to lay out one of their two busy entry-exit points next to our properties. The city of austin has no intention of providing services to the rest of our neighborhood due to the cost versus the revenue generated. However, the city of austin is okay with annexing us because some services were provided, not for us wurks but for canyon creek subdivision, and we happened to be there. It will limit our property values, limit prior acceptable property uses and impose more restrictions without providing us with any new services that are wanted by the owners. Some folks are hooked up to city water and wastewater, but much or all of this expense was paid for by the individual landowners, not the city. Annexation will create division between our small neighborhood and in economic times like this, the additional taxes will be a burden on owners and funds generated will only be a drop in the bucket for the tax revenues generated for the city. Nine properties? Really?

Mayor Leffingwell: Thank you. Last speaker is kathy heinz. Also signed up against. And you have three minutes.

Good evening, council. Thank you for hearing me this evening. My husband spoke earlier. As he stated, we moved to 11406 boulder lane approximately four and a half years ago approximate for the expressed purpose of being able to provide hippo therapy to our son who is a 13-year-old with autism. We have had horses for approximately 20 years, and when we found a property that was more conducive to his commute to work as well as being in the school district we wanted, we decided to purchase there. We have since then built a riding arena lit for nighttime therapy. We have reno that evacuated our horse born in the back. We have a very safe and clean existence there on boulder lane and we have been very welcomed by our neighbors. It is in our deed restriction that we're able to have horses. Our concern obviously is the fact that if we do become annexed, what happens to our property as it stands now and what happens to our potential to resell our property for the tens of thousands of dollars that we have put into it. Our son with special needs gets off the school bus in the summertime. The cars scream by him on boulder lane. They will not stop for the bus driver. I call time and time because i know the street is under their jurisdiction; however, we are not. I'm told time and time again, we have no funds for traffic calming. Foundation road around the corner, you better go on it and be aware because you will get run over if you're not watching. This is cherry picking, this is a land grab for tax revenue dollars. Let's call it what it is. If we can take field trips to george washington carver next week for a council meetings at the cost to taxpayers of \$6,000 for that meeting, wow, this is a great facility here. If people want the government brought to them, they can come here and sit for hours like these gentlemen wearing oxygen have or they can access it through tv like I do every evening. I ask that you stop this annexation endeavor. We have -- we are very happy with our services through travis county. We really want to keep our life-style the way it is. You know, it's just -- it's flat out wrong. And I really ask for your consideration of this. The street is a hazard, not a help. It's a constant battle with trash and noise. So we see no benefit in being annexed. I called health and human services about all the debris that canyon creek residents are throwing on to our easement area into six 20 oaks. This was two years ago, and I was told it would be taken care of. After about eight phone calls and several visits I finally gave up. We have a huge fire hazard there. If you're unable to control what is already existing there through the red tape, whatever it is, what happens when we're annexed? I don't see any benefit to it whatsoever. You're dividing our neighborhood. We're define homes and you're going after those that are easy picking. Thank you.

Mayor Leffingwell: Thank you. Those are all the speakers we have signed up. I'll entertain a motion to close the public hearing. Councilmember morrison moves to close the public hearing, item 124. Seconded by councilmember spelman. All in favor say aye. Opposed say no. It passes on a vote of six to zero with the mayor pro tem martinez off the dais. 125.

Item number 125 is the krueger area. This area includes approximately seven acres located in travis county at the northeast corner of the intersection of dessau road and parmer lane. This area is also currently in the city's and adjacent to the full purpose jurisdiction on the north, west and southside. This includes four commercial establishment animal care services a commercial light with a site plan for a mini storage. In this case the city will provide full municipal services to the area as described in the service plan starting upon annexation. Copies of which are available today and this concludes my presentation for item number 125.

Mayor Leffingwell: Thank you. There are no citizens signed up. I'll entertain a motion to close the public hearing. Councilmember spelman moves to close the public hearing. Is there a second? I'll second. All in favor say aye. Opposed say no. It passes on a vote of six to zero with the mayor pro tem off indict as. Dais.

126 Is the oak valley road area. This is in the city's and includes the balance -- this area includes approximately 18 acres located in travis county south of old manchaca road at the intersection of old manchaca road and oak valley road. This area is in the and adjacent to the city's full purpose jurisdiction on the north and west sides. Development in this area includes seven single-family detached homes and upon full purpose annexion the city will provide services to the areas provided in the service plan. I believe there were a few speakers here this evening that I spoke with and they went ahead and went on home.

Mayor Leffingwell: There's one signed up. Walter grossman. Walter grossman. Walter is not in the chamber. Those are all the speakers we have signed up. I'll entertain a motion to close the public hearing. Councilmember spelman moves to close the public hearing. Councilmember morrison seconds. All in favor say aye. Opposed say no. It passes on a vote of six to zero with the mayor pro tem martinez off the dais.

127.

128 Is the pearson at avery ranch area, this includes 185 acres locate understand southern williamson south of avery ranch boulevard at the intersection of avery ranch and double eagle pass. This area is also in the and adjacent to the city's full purpose jurisdiction on the north and west sides. This area is currently undeveloped and includes the proposed spear son place subdivision which includes two multi-family lots totaling 64 acres in addition to 392 single-family residential lots. Again, upon full purpose annexion the city will provide services to the areas described in the service plan today. I would be happy to answer any questions you have on item 128.

Questions? We have one person signed up. Jeff howard signed up against. Welcome. You have three minutes.

Thank you, mayor. Evening, council. I'll be very brief. I know it's late and you're not taking action tonight. I'm here really to state for the record my clients' position on this and to request your support for cooperation on this annexation so we can have a truly consensual annexation on october 28th. For the record we support the annexation of section 1, which is a platted portion of this property. It's approximately 43 acres. And we also support the future annexations of the remainder of the property as property is platted. And that's as is contemplate understand your interlocal agreement with williamson county. We are opposed to the annexation of the unplatted portion right now, and I've sent an e-mail to you all last night, and that really details the reasons why. But essentially there's no legal or planning need to annex the property right now. And there's no regulatory impact as a result of annexation. However, it will create some administrative barriers that will make development more costly and more time consuming. So as I said, we look forward to working with you all and your staff and we've been willing to -- and we are willing to address any process issues that staff may have regarding annexation so that there will be no inconvenience to staff as well. With that I'll be happy to answer any more

questions and thank you very much.

Mayor Leffingwell: Questions? Councilmember spelman.

Spelman: I understand that you're okay with annexation if it's already platted, but you're against annexation of the raw land. But I'm not sure I understood why there's a difference in your mind. What difference does it make?

The difference, councilmember, is right now we have a preliminary plan that covers approximately 196 acres. That shows section 1 as single-family homes, the middle section is also single-family homes and then the bottom section is multi-family. When you annex property you're going to give it an interim zoning designation. So the single-family portions will get interim sf 2. The multi-family portion will get an interim rr zoning. So it won't be consistent. The platted portions, we're ready to start development on. So we know that those -- is that use, those lots are set. The unplatted portions may have some changes. We may need to revise the preliminary plan as we meet the market -- changing market. It's a challenging market. So we may have multi-family tracts that move into the single-family portions and single-family portions that move into the multi-family tracts. We won't be able to amend our preliminary plan or file a final plat for something that makes those types of changes without filing a zoning case. That zoning case will take time, take money, it will create uncertainty and that has -- those things tend to have a chilling affect on development. I think this project is a good project and will ultimately I think be an asset to the community. That's our general concern. Prars.

Spelman: But once you've made your decisions through the plat, then you're ready to go through the gate because you won't have to deal with zoning.

Right. We'll be happy to be annexed at that time.

Spelman: Thank you.

Mayor Leffingwell: Those are all the speakers we have signed up. I'll entertain a motion to close the public hearing for mayor pro tem moves to close the public hearing, seconded by councilmember spelman. Discussion? All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

Item number 129 is the ranch apartments area. This area includes approximately 10 acres. It located in williamson county east of parmer lane, approximately 1500 feet north of intersection of state highway 45 and parmer lane. It is currently in the and includes the balance of a multi-family property that was annex understand 1995 prior to the construction of the apartments. This area is adjacent to the full purpose jurisdiction on the north, west and southside and annexation will help ensure appropriate emergency dispatch and increase efficiency in the delivery of public safety services to the property. Again, the city will provide full municipal services as described in the service plan. Copies of which are available today. And this concludes the staff presentation for item number 129.

Mayor Leffingwell: 129 There are no speakers signed up. I'll entertain a motion to close the public hearing. Councilmember spelman moves to close the public hearing. Seconded by councilmember morrison. All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

Tum 130 is the state highway 45 at parmer lane area. This is approximately 18 acres located in williamson county at the intersection of highway 45 and parmer lane. This includes the eastbound lanes of state highway 45 on either side of the intersection with parmer lane, 6 of a mile of right-of-way. The westbound lanes north of this area are in the city's full purpose jurisdiction and due to the recent construction of lanes, portion of the right-of-way extend from the city limits into the e.t.j. This would pli bri the balance of the lanes in this portion of the road into the city's full purpose jurisdiction and increase efficiency in public safety services to the area. Once again I've brought copies of the service plan that

describe services will be provided upon annexation and this concludes the staff presentation for item number 130.

Mayor Leffingwell: For speakers signed up for 130. I'll sprain a motion to -- explain a motion to close the public hearing.

Spelman: Moves to close the public hearing. Councilmember cole seconds. All in favor aaye. Opposed say no. It passes on a vote of seven to zero. 131.

The waterford house area includes approximately nine acres and is located in southeastern travis county east of highway i-35 approximately one quarter of a mile east of 35 and brant road. This area is currently and adjacent to the full purpose jurisdiction on the west, south and east sides. Development in the area includes a special events center and again upon full purpose annexion the city will provide municipal services as described in the service plan. Copies of which are available today. And this concludes my comments on item number 131.

Mayor Leffingwell: Item 131 has no citizens signed up to speak. I'll entertain a motion to close the public hearing. Mayor pro tem moves to close the public hearing. Seconded by councilmember spelman. All in favor say aye. Opposed say no. It passes on a vote of seven to zero.

For our last item with just a public hearing this evening, item 133, the spring woods out parcel area includes approximately two acres in williamson county north of pond springs road east of the intersection of pond springs road and sparkling creek drive and then north of the intersection of pond springs road and cahill drive. This area is currently and become out parcels when the spring wood mud area is annexed later this ear 82 and full purpose annexion areas will entirely surround the tracts. Again, upon annexation the city will provide municipal services as described in the service plan. Copies of which are available today. I would be happy to answer any questions you have on item 133.

Mayor Leffingwell: Questions? Motion to close the public hearing on 133. Councilmember spelman. Is there a second? Seconded by councilmember morrison. All in favor say aye. Opposed say no. It passes on a vote of seven to zero. And we do have two more.

Items numb 134 add and 135 I would like to bring in together.

Mayor Leffingwell: Along with item 40, by the way.

And item number 40. Items 134 and 135 are posted for public hearing. One is spring woods bringing in for limited purpose with a follow-up, item number 135, converting the area for limited purpose to full purpose. As you know, the spring woods mud annexation area is proposed for annexation in accordance with the terms of a strategic partnership agreement between the sustained the mud. In 2002 constituent and the mud entered into an agreement providing services for both parties. Under this agreement and as amended the mud on paf of its residents agreed to these annexations with limited purpose for november 30th, 2010 and full purpose no sooner than november 30th, 2010. The spring oodz mud area is 460 acres east of pond springs road and west of parmer lane on the west sides of anderson mill road in williamson county. As you notice, the area of the mud is not in one contiguous piece and that's why we have the spring woods map area, which is scheduled for annexation to occur at the same time as well to achieve a more logical boundary. As I mentioned on the previous annexation items in general, upon full purpose annexion the city will provide municipal services as described in the service plan to the newly annexed area. However, unique to this area, because it's a , and in accordance with the spa, the spring woods mud would convert to a limited district and if confirmed by mud voters, the limited district with an initial term of 10 years will continue to provide some services to the area. Specifically the limited district will own and operate, maintain and provide additional security for the mud's amenities, including spring woods park and spring woods pool and related facilities, provide solid waste services, including single stream recycling and continue enforce is deed restrictions.

voters do not approve the limited district, an election to be held next may, the limited district would be dissolved and the city would assume ownership of the mud's park and pool facilities. Due to the significant impact it would have on the parks department and depending on the outcome of the election, staff would come back to council to provide funding for operation and maintenance of these amenity. Because of this unique opportunity and as part of the process leading up to annexation, earlier this year the city hosted an open house event where representatives from various city departments were in attendance to meet with spring woods's residents to provide nmpts about city services and changes that would occur upon annexation. Following the open house city taf worked with the mud board acting on behalf of the residents and property owners in the area to enhance the annexation service plan and several of the suggestions were incorporated into the service plan. The mu'd rest representatives and city staff are continuing to work through issues of future transfer of the pool to the city. So in this regard, following today's hearing, staff recommends down approve items 134 and 135 related to the m.u.d. And item 40 related to the map area on first reading only and allow us a little bit more time to continue working with the mud and come back october 14th for second and third read readings. This concludes my comments for spring woods mud.

Mayor Leffingwell: I have a question for you. You're only ready for first reading, but do we need to have a public hearing?

You can close the public hearing today and do first reading and we can come back for second and third with no more public hearings.

We have one speaker signed up, anne sell certify. Sellser, who is signed up against. And anne, you will have three minutes. Wonderful to bask in the power of the all mighty high priests of austin, texas. They're going to take and they continue to take. Well, gentlemen, you will find that I'm going to be take a tape worm. You're going to take me in. You're going to force me in. And when you do, I'm going to see to it that you follow the law. When you take me in, you will have automatically violated my civil rights on several different areas. You will take me in on DECEMBER THE 31st. On january the 2nd i will be filing the first of the paperwork against you for violation of civil rights. Then I'll begin to really work. Gentlemen, it's going to be an interesting time for me to be in your city. I don't want to be here. I don't like you. I don't need you. And you don't need me. And that's all I have to say. This is just a manager of honor because i declare my position and to call you out. Thank you. sell certify, how will we be violating our civil rights by annexing you, very briefly?

Number one, I am cherokee out of the he brew springs cherokee. I see that you have two of your minorities here, but you don't have anyone to represent me. I am an american indian, a native american. I am not on this council. My people don't -- aren't here. Two, sometime ago you brought in a system whereby you let a group take over brackenridge hospital and you created a separate but equal facility for women. This is against the law, gentlemen, separate by equal went out in 64. That's only two. I can develop more.

Spelman: I see where you're going. Thank you.

Mayor Leffingwell: Motion to close the public hearing --

Martinez: For the record, I think calling women gentlemen went out way before 1964.

Mayor Leffingwell: Duly noted, mayor pro tem. Is there a motion? Councilmember spelman moves to close the public hearing and approve items 40, 134 and 135 on first reading only. And we have a second. Councilmember morrison. All in favor say aye. Opposed say no. It passes on a vote of seven to zero. So according to my calculations, city clerk, those are all of the items on our agenda for today. So without objection, we are adjourned at 8:55.

